

Village of Wellington

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

**Darell Bowen, Mayor
Dr. Carmine A. Priore, Vice Mayor
Lizbeth Benacquisto, Councilwoman
Matt Willhite, Councilman
Howard K. Coates, Jr., Councilman**

**Wellington Community Center
12165 West Forest Hill Boulevard
Wellington, Florida**

**TUESDAY, JUNE 23, 2009
7:00 PM
FINAL AGENDA**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. INVOCATION**
To be announced
- 4. APPROVAL OF AGENDA**
- 5. PRESENTATIONS AND PROCLAMATIONS**

A. PRESENTATION REGARDING "PROTECTING FLORIDA'S INVESTMENT ACT"

Presentation regarding "Protecting Florida's Investment Act".

B. PALM BEACH COUNTY SHERIFF'S OFFICE DISTRICT 8 WELLINGTON SEMI-ANNUAL REPORT

Captain Gregory Richter will present the Palm Beach County Sheriff's Office District 8 Semi-Annual Report to Council.

C. ECONOMIC DEVELOPMENT INITIATIVE (EDI) UPDATE

Wellington's Economic Development Initiative - A Year In Review.

6. CONSENT AGENDA**A. APPROVE USE OF RENEWED MARTIN COUNTY CONTRACT #AR-2008-2142 FOR PURCHASE OF SODIUM HYPOCHLORITE**

Approve renewed use of Martin County Contract #AR-2008-2142 with Allied Universal Corporation for the supply and delivery of sodium hypochlorite. Depending upon actual usage, Village Utility Departments anticipate spending approximately \$195,000 annually for this commodity. Wastewater has budgeted \$18,000 for sodium hypochlorite purchases, while Water Treatment has budgeted \$185,000.

B. APPROVE EXTENDED USE OF SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE CONTRACT #572-9726-1 FOR PURCHASE OF IRRIGATION SUPPLIES

Approve Village use of Contract #572-9726-4 for the purchase of irrigation supplies, which has recently been extended by the Southeast Florida Governmental Purchasing Cooperative. Depending upon actual usage, the Village anticipates spending over \$25,000 annually for irrigation supplies. In the current fiscal year, Landscape Maintenance has budgeted \$85,000 in materials and supplies (001-2050-539.52-01) for both irrigation and lighting purchases.

C. APPROVE RENEWAL OF BID AWARD FOR PURCHASE AND DELIVERY OF METAL CULVERTS

Approve renewing bid award for Purchase and Delivery of Metal Culverts, Bid #019-08/RJB to Metal Culverts, Inc. and Contech Construction Products, Inc. This bid award is used by Surface Water Management for repairing metal culverts on an "as-needed" basis. Funding is available in the FY2008/2009 Surface Water Management budget in the amount of \$351,968. At time of purchase Surface Water Management will compare the bid prices to obtain the best value for the related project.

D. RESOLUTION R2009-44 (PROTECTING FLORIDA'S INVESTMENT ACT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA DECLARING THE INTENT OF THE VILLAGE COUNCIL TO ENSURE THAT THE VILLAGE INVESTMENTS OPERATE CONSISTENTLY WITH THE "PROTECTING FLORIDA'S INVESTMENTS ACT" BY IDENTIFYING COMPANIES DOING BUSINESS WITH IRAN'S ENERGY SECTOR AND WITH THE SUDAN, AND DIVESTING FROM THOSE COMPANIES; AND PROVIDING AN EFFECTIVE DATE.

Approval of Resolution R2009-44 "Protecting Florida's Investment Act".

E. PROCLAMATION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, DESIGNATING JULY 2009 AS PARKS AND RECREATION MONTH IN THE VILLAGE OF WELLINGTON

Staff request the Village Council approve designating July 2009 as Parks and Recreation Month.

7. PUBLIC HEARINGS

A. ORDINANCE 2009-01 (NOISE STANDARDS)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO NOISE STANDARDS; AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF WELLINGTON, FLORIDA BY AMENDING CHAPTER 36, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE III, "NOISE STANDARDS"; SEC. 36-32, "EXEMPTIONS" TO INCLUDE USE OF EQUIPMENT ASSOCIATED WITH NORMAL MAINTENANCE OF A GOLF COURSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This item is being presented at the request of the current golf course operators. The request is to provide a specific exemption from noise standards relating to use of landscaping equipment at golf courses prior to 7:00 a.m. Current code prohibits use of such equipment prior to 7:00 a.m., Monday through Saturday, and prior to 9:00 a.m. on Sunday.

B. ORDINANCE NO. 2009-13 FLEX USE ZONING EMPLOYMENT CENTER

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, PERTAINING TO ZONING; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY AMENDING ARTICLE 6, CHAPTER 8, SECTION 6.8.4. "PLANNED INDUSTRIAL PARK DISTRICT" TO READ "FLEXIBLE USE ZONING EMPLOYMENT CENTER" AND ESTABLISHING NEW TEXT FOR 6.8.4 OF CHAPTER 8, ARTICLE 6; BY ELIMINATING ARTICLE 6, CHAPTER 2, SECTION 6.2.12. "LIGHT INDUSTRIAL DISTRICT"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY AND CONFLICTS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR PERMITTED, CONDITIONAL, AND SPECIAL PERMIT USES; PROVIDING FOR MAXIMUM DENSITY AND MINIMUM LOT SIZES; PROVIDING FOR SUPPLEMENTAL DISTRICT REGULATIONS; PROVIDING FOR MINIMUM BUILDING SETBACKS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Staff is requesting creation of a new zoning designation category entitled "Flexible Zoning Employment Center" (FZEC).

C. ORDINANCE NO. 2009-12 EXPEDITED PERMITTING

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO THE CREATION OF A TARGETED EXPEDITED ZONING PROCESS; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE

VILLAGE OF WELLINGTON BY CREATING ARTICLE 5, CHAPTER 1, SECTION 15, "TARGETED EXPEDITED PERMITTING PROGRAM FOR ECONOMIC DEVELOPMENT PROJECTS"; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The proposed zoning text amendment will create a targeted expedited permitting program (TEPP) and create Section 5.1.15 of Chapter 1, Article 5 in the Village's Land Development Regulations (LDR).

8. REGULAR AGENDA

A. DIRECTION CONCERNING HIATUS PROPERTY

The Village Manager requests direction on whether a 75 foot strip of property titled in the Acme Improvement District located adjacent to the C-51 canal along the Village's northern boundary should be retained by the District or whether inquiries should be made of South Florida Water Management District of adjacent lot owners as to whether they would be interested in having the property conveyed to them.

B. SELECTION PROCESS FOR SPECIAL MAGISTRATES

Staff seeks direction on the implementation of the proposed future selection process for Special Magistrates.

9. ATTORNEY'S REPORT

10. MANAGER'S REPORT & UPDATES

11. COUNCIL REPORTS

12. CLOSING COMMENTS

13. PUBLIC FORUM

14. ADJOURNMENT

NOTICE

If a person decides to appeal any decision made by the Village Council with respect to any matter considered at this meeting, you will need a record of the proceedings, and you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above notice is required by State Law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript).

Pursuant to the provision of the Americans With Disabilities Act: any person requiring special accommodations to participate in these meetings, because of a disability or physical impairment, should contact the Village Manager's Office (561) 791-4000 at least five calendar days prior to the Hearing.

5. A

**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY**

AGENDA ITEM NAME: Presentation regarding "Protecting Florida's Investment Act"

ACTION REQUESTED: Discussion ☒ Approval ☐

**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐

PUBLIC HEARING: Yes ☐ No ☒

FIRST READING ☐

SECOND READING ☐

REQUEST: Presentation regarding "Protecting Florida's Investment Act".

EXPLANATION: Presentation regarding Protecting Florida's Investment Act.

FISCAL IMPACT: N/A.

RECOMMENDATION: N/A.

5. B

**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY**

AGENDA ITEM NAME: Palm Beach County Sheriff's Office District 8 Wellington Semi-Annual Report

ACTION REQUESTED: Discussion ☒ Approval ☐

**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐

PUBLIC HEARING: Yes ☐ No ☒

FIRST READING ☐

SECOND READING ☐

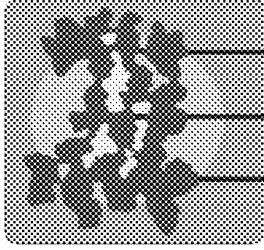
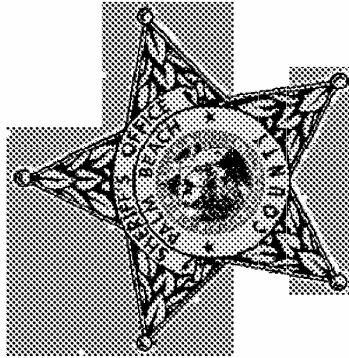
REQUEST: Captain Gregory Richter will present the Palm Beach County Sheriff's Office District 8 Semi-Annual Report to Council.

EXPLANATION: In accordance with the Law Enforcement Services Agreement between the Village of Wellington and the Palm Beach County Sheriff's Office, Captain Gregory Richter will present the District 8 Semi-Annual Report to the Village Council. This report is linked to the Law Enforcement Services Plan and is performance based. The Semi-Annual Report will allow Council and Village residents to view law enforcement activities such as calls for service, traffic enforcement, crime and clearance rates, response times, community policing efforts and future plans.

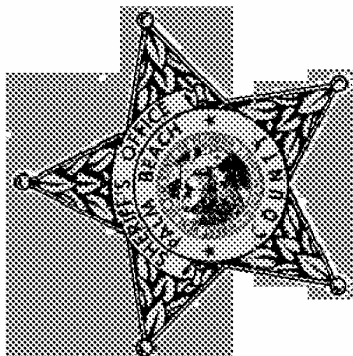
FISCAL IMPACT: N/A

RECOMMENDATION: None.

Palm Beach County
Sheriff's Office
District 8 – Wellington



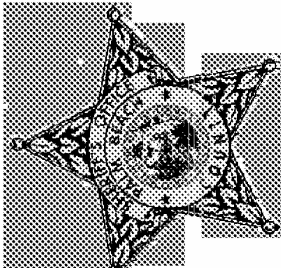
Semi - Annual Report
Fiscal Year 2009
Captain Greg Richter



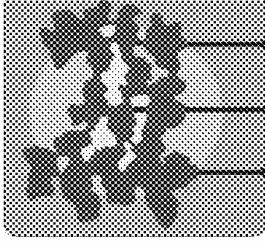
FY 09 Accomplishments (10/08 – 03/09)



Traffic Safety
Robbery Prevention
Gang Prevention
Crime Prevention – Property Crime
Section 8 Housing Initiative



Traffic Issues



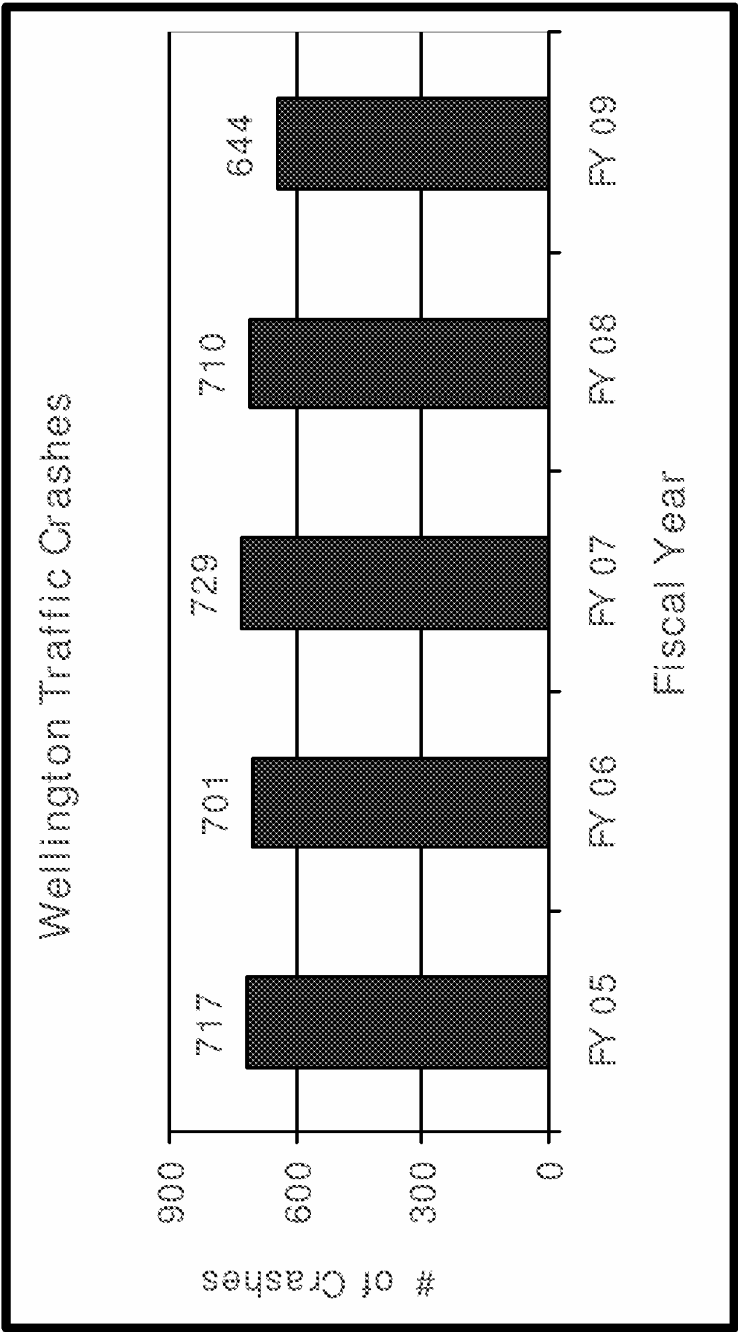
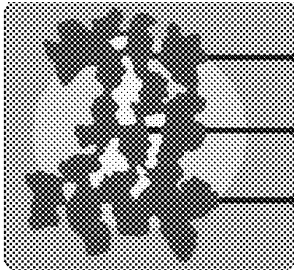
Performance Goal: Achieve a crash rate of 2.2 or less crashes per 100 Village Residents

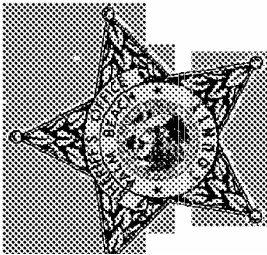
Result: The crash rate has declined to 2.18 crashes per 100 residents

- Issued 4,104 traffic citations
- Crashes have declined 9% in FY 09 compared to FY 08

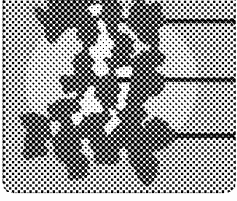


Traffic Issues





Robbery Prevention

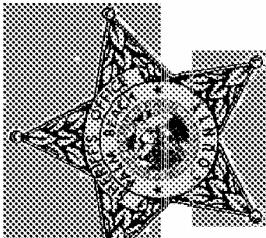


Performance Goal: Eliminate Robberies from Wellington

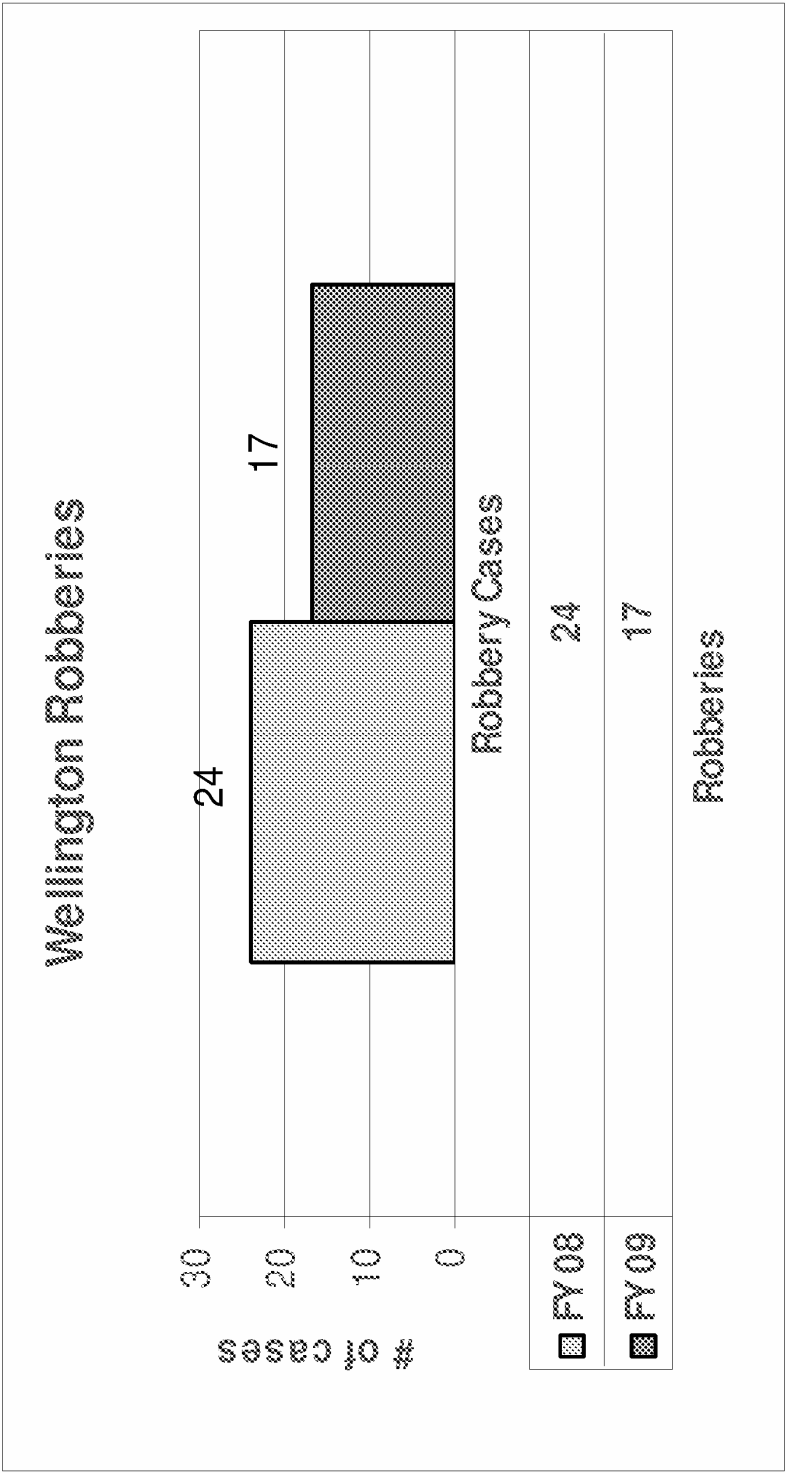
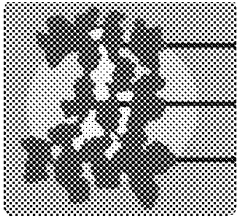
Result:

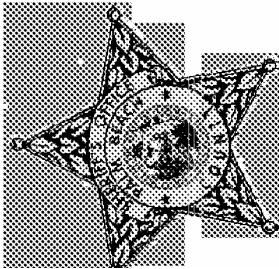
Robberies have declined 29% in FY09
vs. FY08

Ten (10) suspects arrested for robbery
Seven (7) cases cleared by arrest

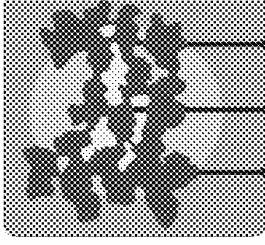


Robbery Prevention





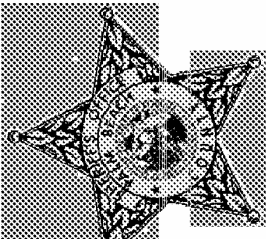
Gang Prevention



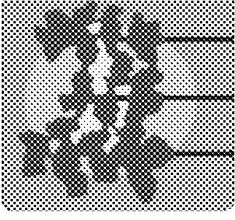
Performance Goal: Prevent and/or eliminate all gang or gang related activity in Wellington.

Result: No gang related crimes have been reported in Wellington in FY 09.

Assigned D/S Leatherman as gang prevention deputy
Developed partnership with school district police to identify gang related activity
Twenty-three (23) gang prevention educational presentation made to homeowner's associations and local schools.



Crime Prevention 'Property Crime'

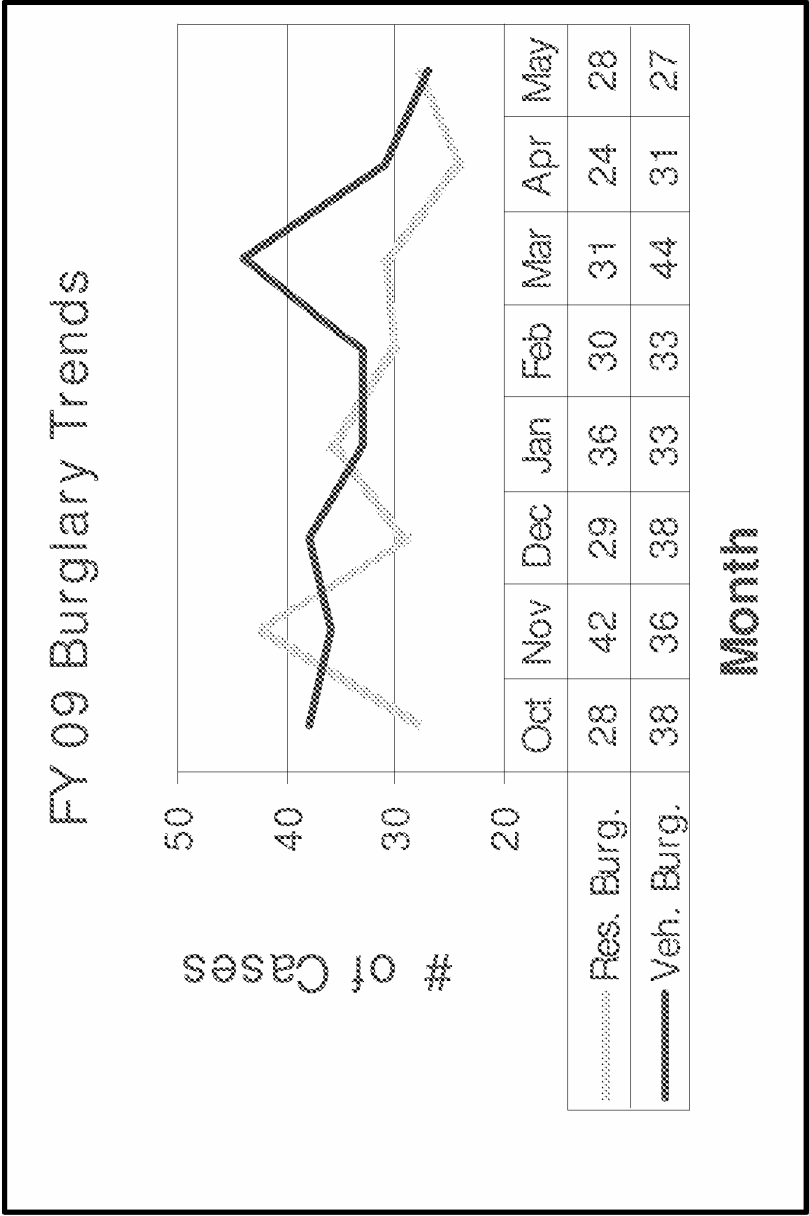
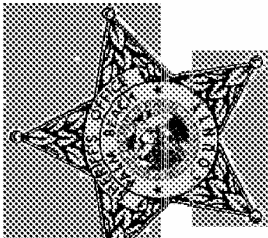
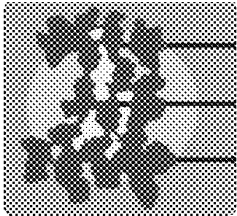


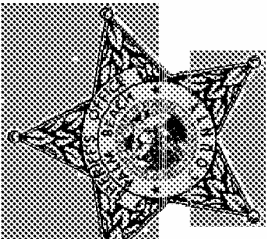
Performance Goal: Have less than 1,000 property crimes reported in FY 09.

Result: (561) Property crimes have been reported from 10/1/08 – 3/31/09.

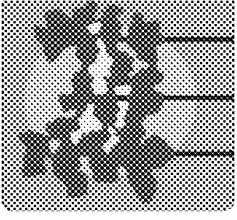
- (47) Burglary arrests were made in FY 09
- (4) Vandalism arrests were made in FY 09

Property Crime Trends





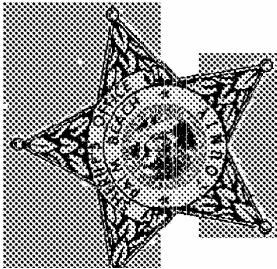
Section 8 Housing 'Fraud Enforcement'



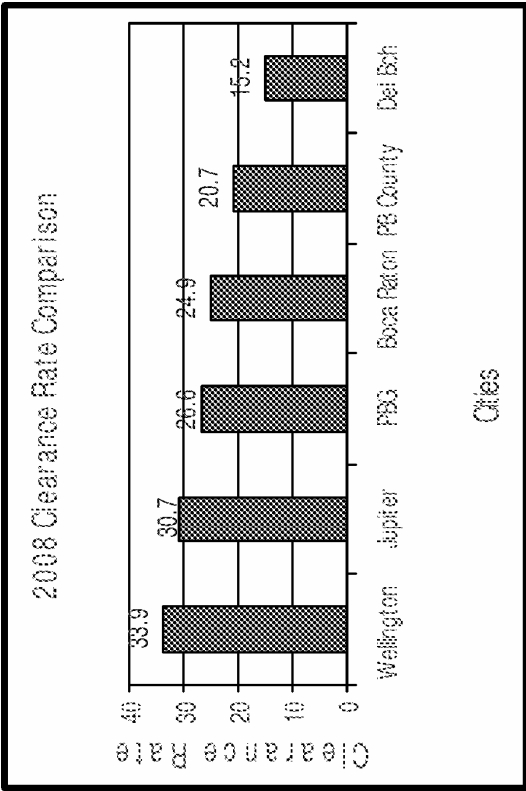
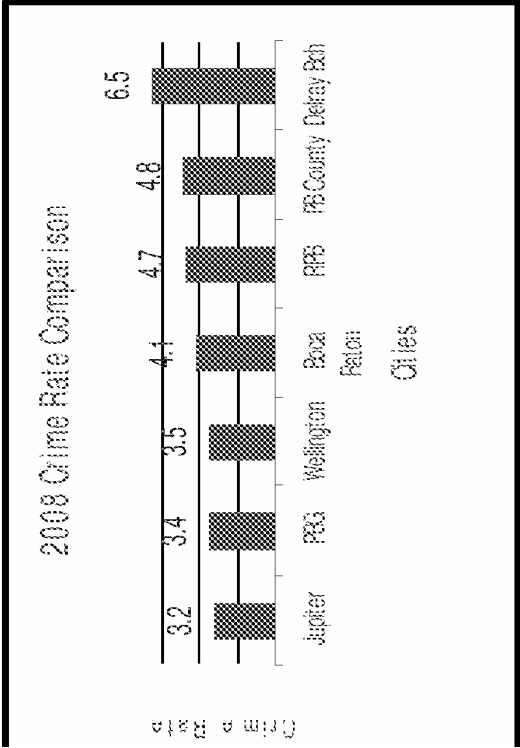
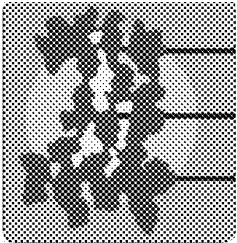
Performance Goal: Eliminate Section 8 Housing fraud in
Wellington

Anticipated Result: Declines in crime in areas where
section 8 housing is concentrated.

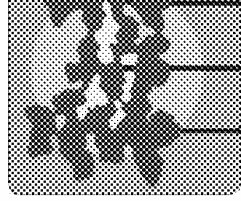
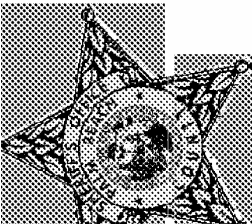
(15) arrests made for section 8 housing fraud
\$742,216 in benefits received fraudulently
Ongoing partnership with the Office of Inspector
General of HUD



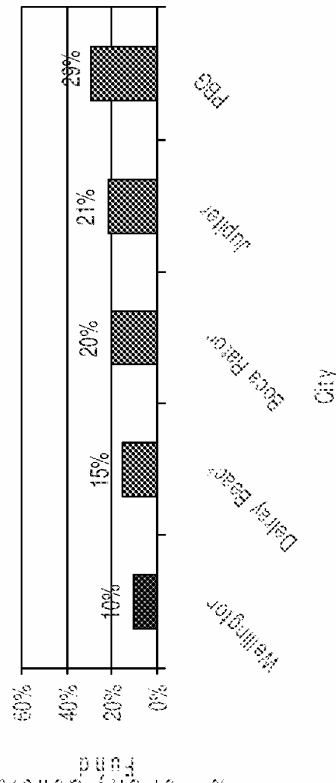
City Comparisons



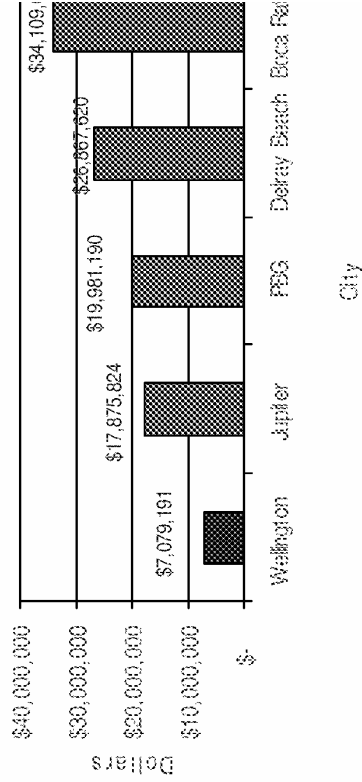
City Comparisons



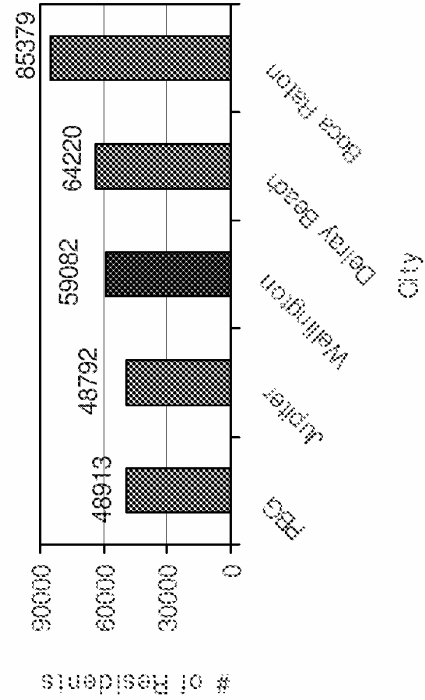
LE Services as a Percentage of City Total Budget



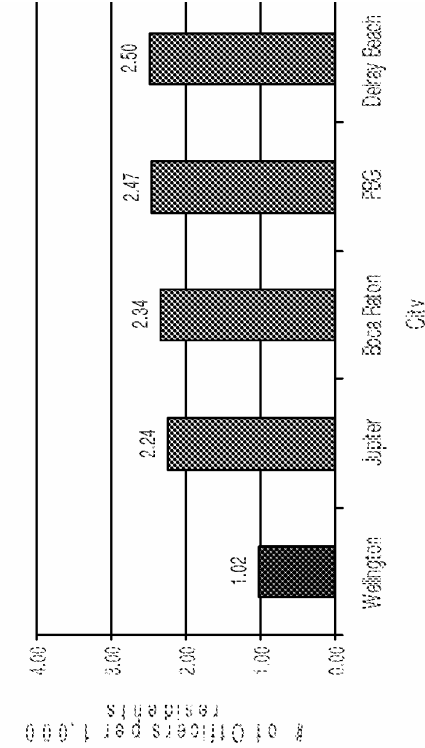
Dollar Amount for LE Services

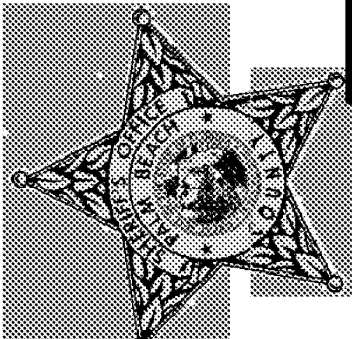


City Population



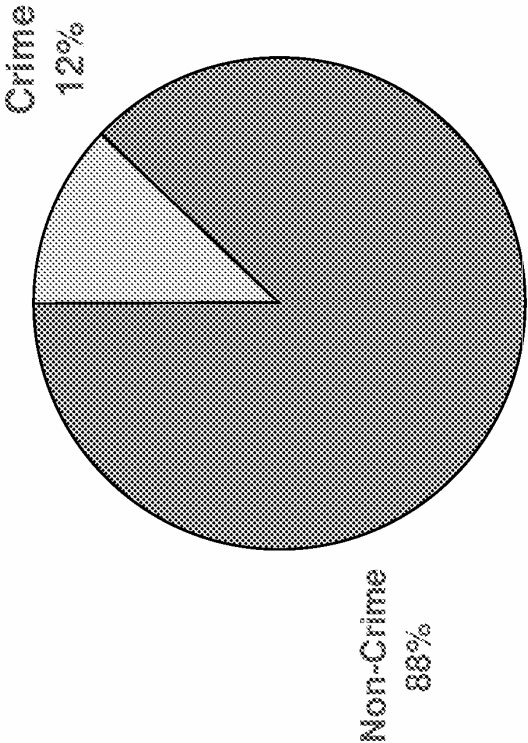
Sworn LE Positions per 1,000 Residents

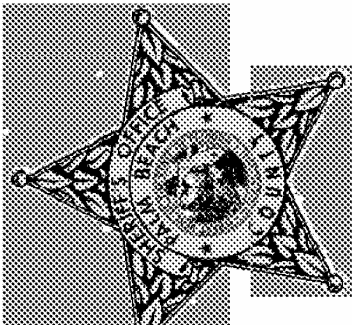




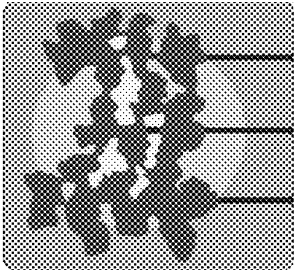
Calls for Service

Crime vs. Non-Crime CFS
FY 09 Oct. - March

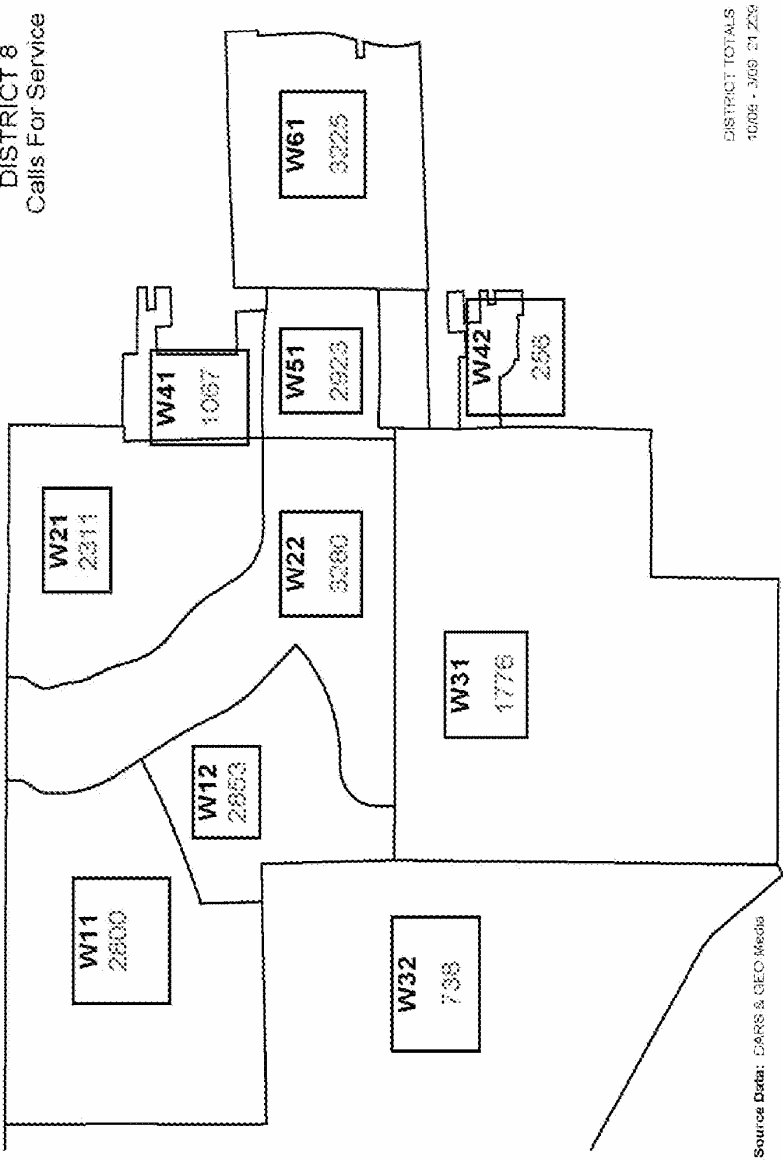




Calls for Service By Location

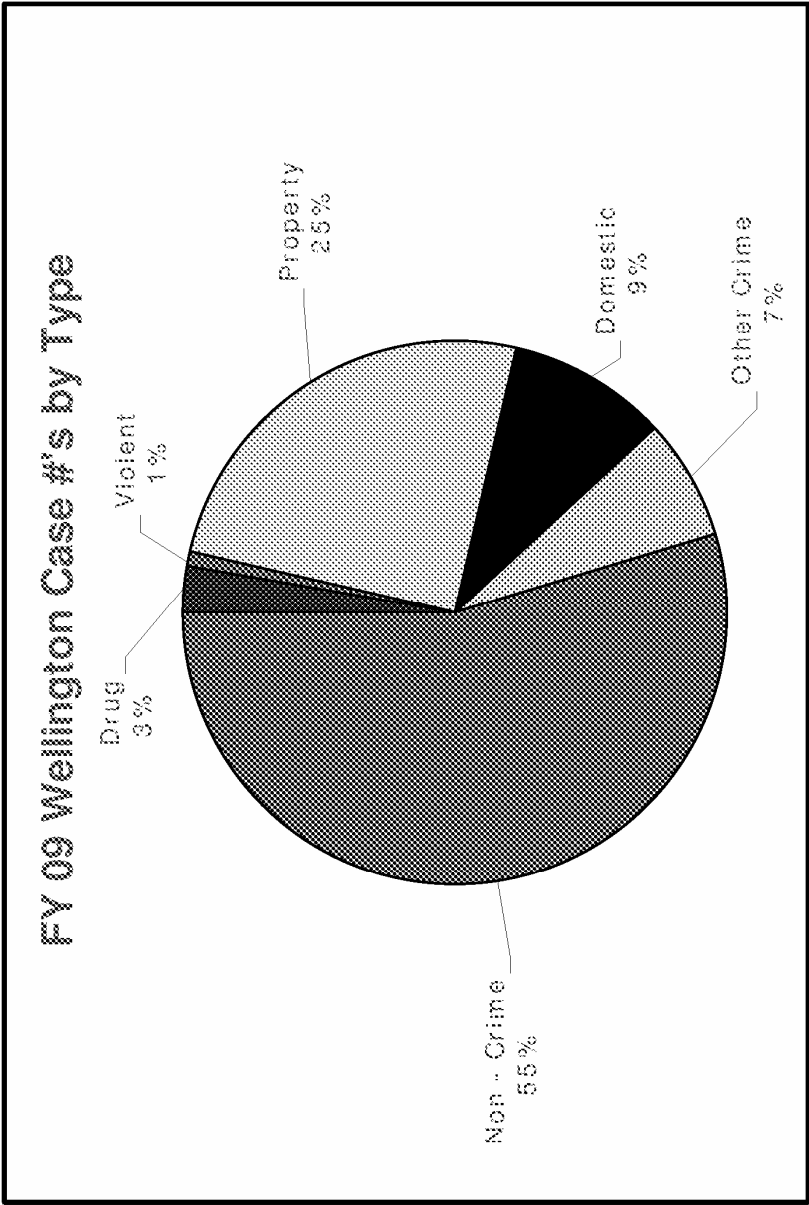
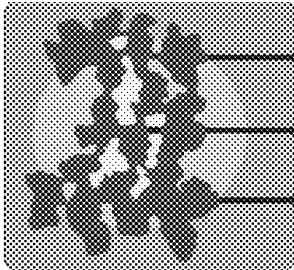


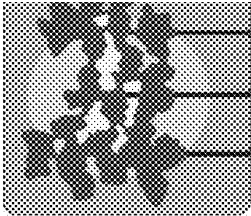
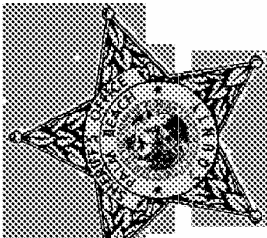
DISTRICT 8
Calls For Service



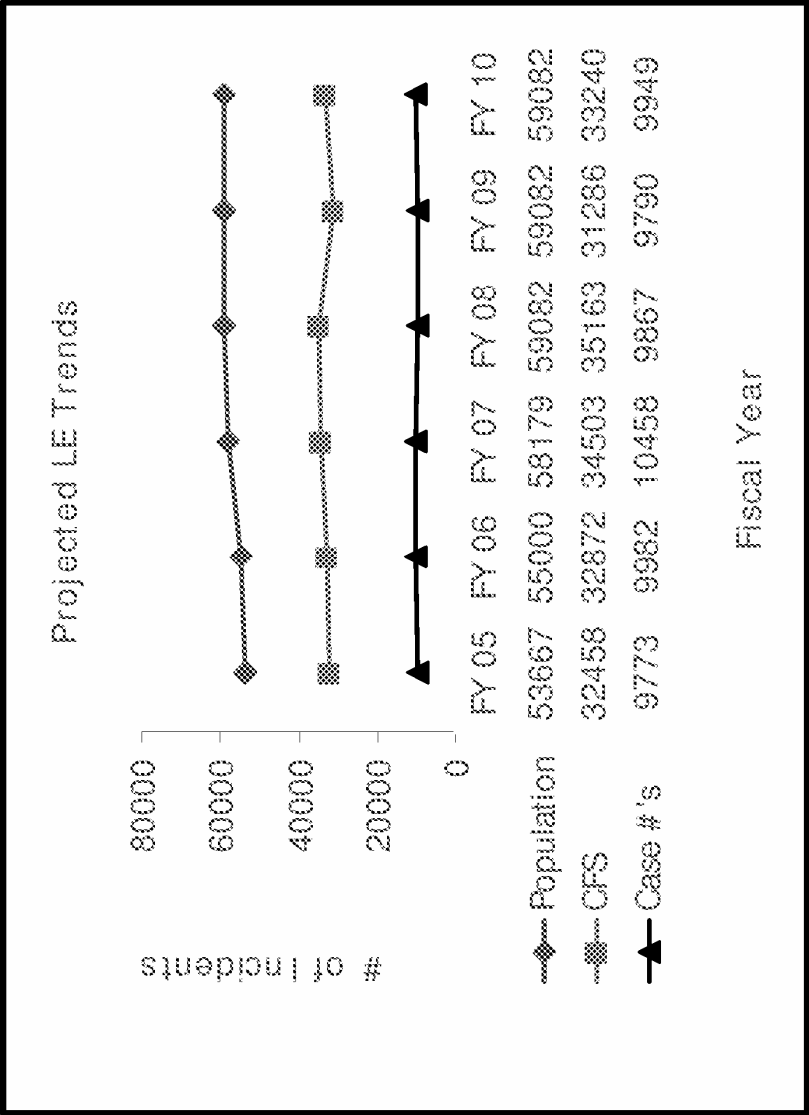


Wellington Case Numbers by Type



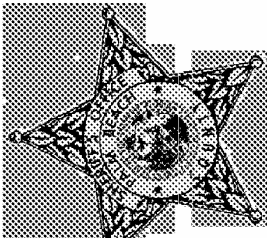


Wellington Calls for Service & Case # Comparison

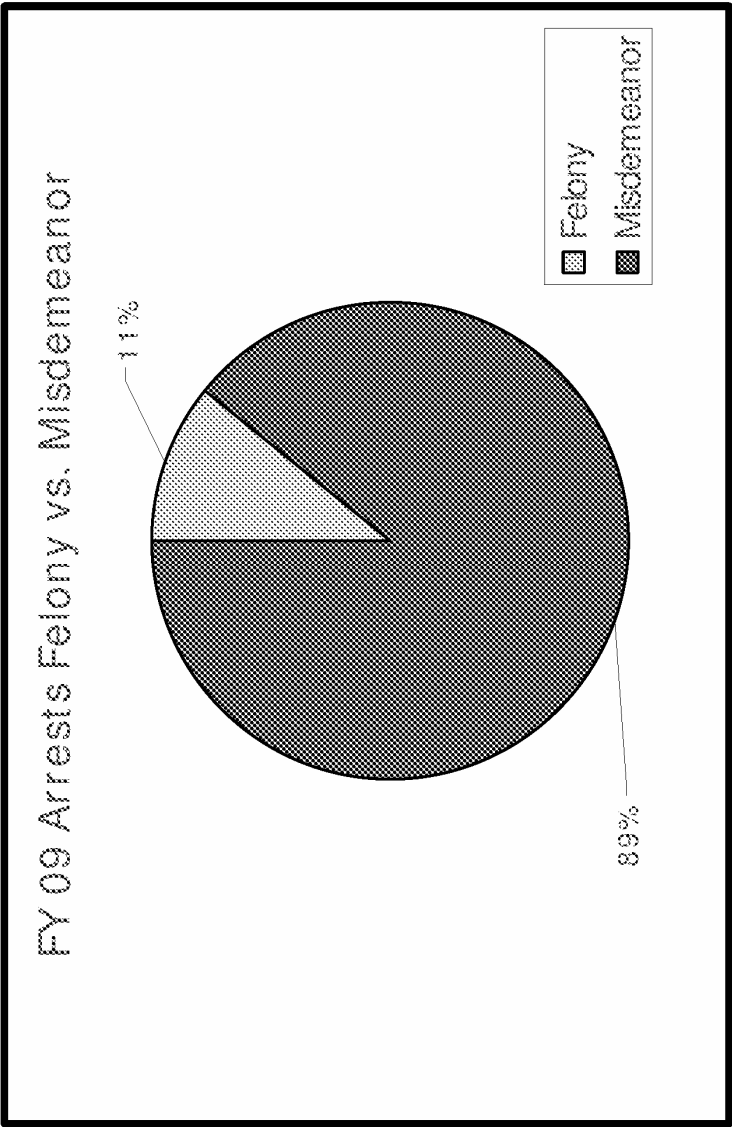
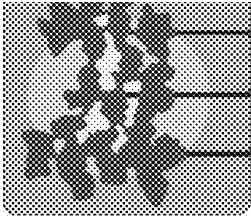


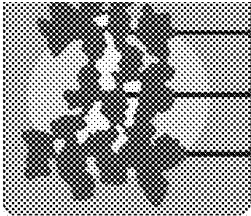
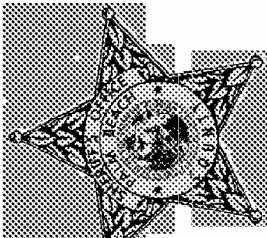
**** Calls for Service have declined 13% in FY09**

**** Case #'s have declined 3%FY 09**

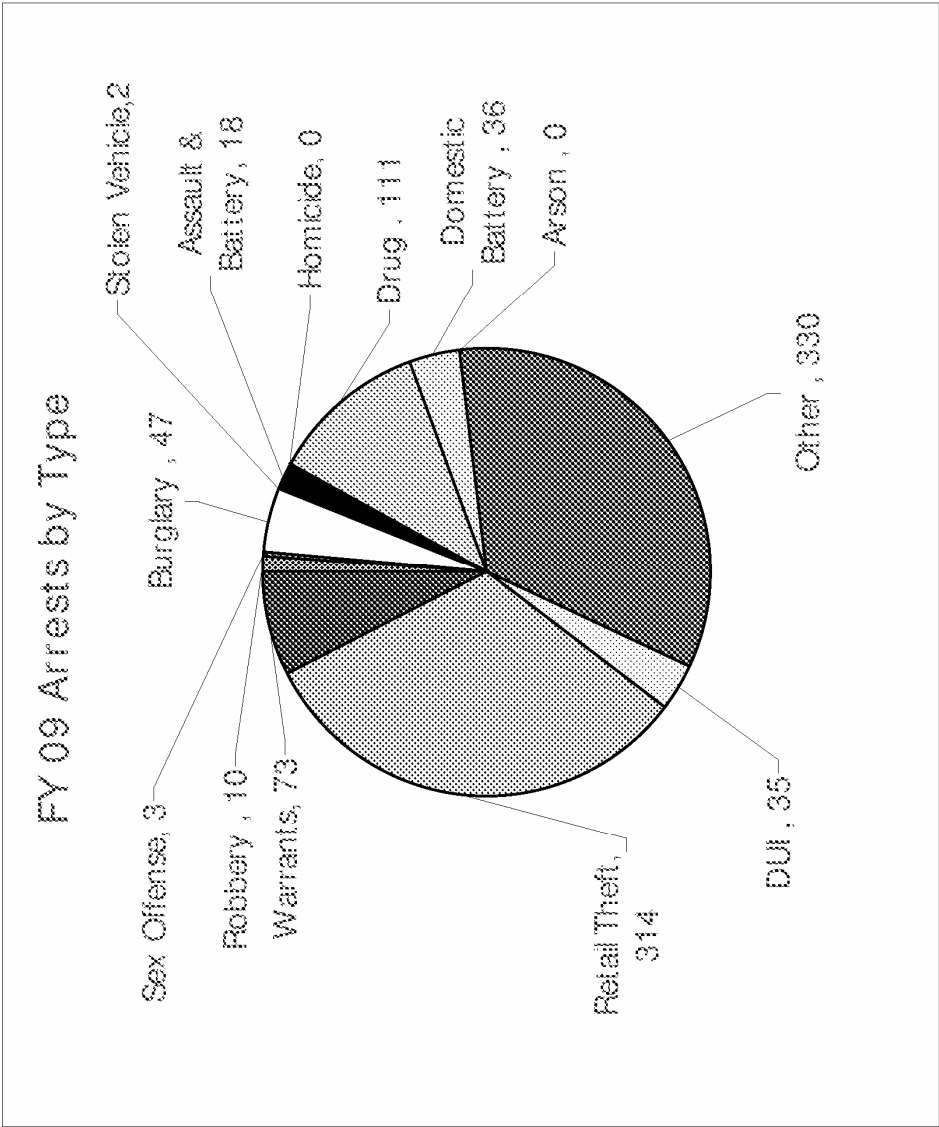


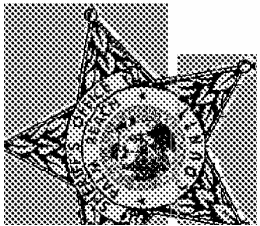
Wellington Arrests





Wellington Arrests by Type





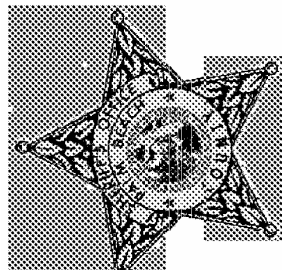
Community Reinvestment



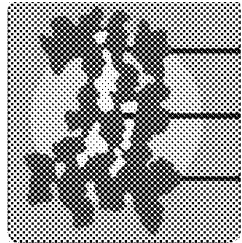
Performance Goal: Prevent 'transitional' neighborhoods
from declining

Anticipated Results: Declines in crime and increased code
compliance in targeted neighborhoods

White Pine/ 12th Fairway – Cpl. DeMarco
Folkestone/ Yarmouth -- D/S Maione
Goldenrod/ Hyacinth/ Periwinkle – Cpl. Nunes
Hawthorne/ Staghorn – D/S Duplantis



Where are We Now??

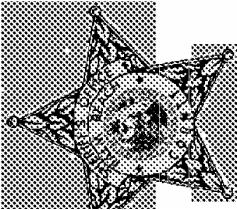


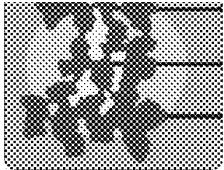
Crime Rate:	3.5
Crash Rate:	.0218
Clearance Rate:	33.9
Citizen Satisfaction:	4.81 (5.0 Scale)
Response Times:	5.05 minutes per high priority call

Future Plans

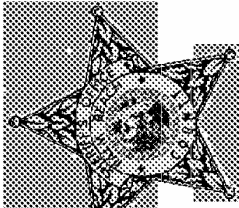
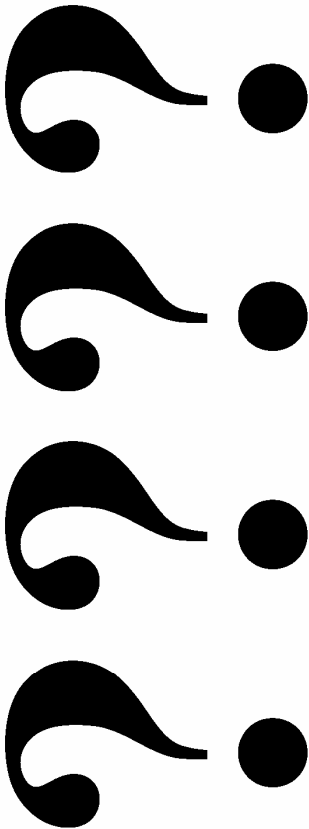


Crime Prevention – Mall at Wellington Green
Property Crimes
Traffic Safety
Section 8 Housing Enforcement
Community Reinvestment





Questions



5. C

**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY**

AGENDA ITEM NAME: Economic Development Initiative (EDI) Update

ACTION REQUESTED: Discussion ☒ Approval ☐

**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐

PUBLIC HEARING: Yes ☐ No ☒

FIRST READING ☐

SECOND READING ☐

REQUEST: Wellington's Economic Development Initiative - A Year In Review.

EXPLANATION: For the past year, staff has been steadily developing and implementing the eight concepts of the Economic Development Initiative. Staff has made significant progress with three priority initiatives set at Council workshops: Forest Hill Boulevarding, Town Center and Housing Reinvestment (transitional neighborhoods—now safe neighborhoods). We have made excellent progress on the other initiatives as well and expect them to continue to come forward on future council agendas for approval and implementation over the next 6 to 18 months.

FISCAL IMPACT: Varies by initiative and addressed individually at original presentations to Council.

RECOMMENDATION: Continue to support EDI.

***EDI Concept Update
June 2009***

Equestrian Community Master Plan

- Currently a review of development regulations is underway
- Working towards an analysis of the economic benefits of the equestrian community on the Village
- Generating a report of existing trails and proposed improvements
- Studying existing/proposed trails and trail improvements
- Researching traffic calming within Equestrian Preserve Area
- Developing a “branding” for the equestrian community

Flex Zoning

- The Village's goal is to create 3,000 new family-sustaining jobs in next 10 – 15 years
- Flexible Use Employment Centers are expected to play a significant role in meeting goal
- Village Council Workshop held on 03/09/09; PZAB Workshop held on 05/07/09
- Public Hearings scheduled: PZAB 06/04/09; VC First Read 06/23/09.
- Have met with major property owners of both existing industrial parks. All in full support of proposed rezoning to Flex Zoning (FZEC) category.
- Expedited permitting process also under review to simplify and accelerate approval and building permit process. Concept has the support and recommendation of the County's Business Development Board.
- PZAB Workshop held on 05/07/09
- Public Hearings scheduled: PZAB 06/04/09, 2009. VC First Read 06/23/09

Forest Hill Boulevard

- Overall Concept for Forest Hill Boulevarding Improvements approved by Council at 1/27/09 Council meeting.
- Reinforced FHB as main street for the Village of Wellington.
- Concept can effectively be used in the future in other areas to create a unified Wellington image.
- Forest Hill Boulevard dissected into the following 5 sections:
 - Section 1 - Suburban – State Route 80 to Wellington Trace
 - Section 2 - Old Wellington – Wellington Trace to Montauk Drive (includes intersection at Wellington Trace)
 - Section 3 – Civic – Montauk Drive to Birkdale Drive
 - Section 4 – Urban – Birkdale Drive to State Route 7

- Section 5 – Formal – State Route 7 to Florida Turnpike
- A total of \$3 million in stimulus funds received from the Metropolitan Planning Organization in stimulus funds.
- Working on finalizing the Local Agency Program (LAP) certification with the Florida Department of Transportation allowing us to accept these federal dollars. Additional funding requests totaling \$750,000 were made to the MPO on May 7.
- Engineers preparing scopes of work for remaining sections which must be under construction by March of 2010.
- Progress is being made in Section 1 (Wellington Trace to Southern Boulevard) where the signal has been installed and activated, sidewalks are being repoured and the informational sign will be relocated.

Housing Reinvestment

- Transitional Areas Identified
 - Folkstone Circle
 - Goldenrod Road
 - Guilford Way
 - Montauk Drive
 - Riverside Circle
 - The 12th Fairway
 - White Pine Drive
- Neighborhood Stabilization Program – Grant application through Palm Beach County from the Housing and Urban Development. Requesting \$5 million for the purchase and rehabilitation of residential properties that have been abandoned or foreclosed upon in order to sell, rent or redevelop such homes and properties. Application deadline, June 5th, 2009
- Foreclosures 911 – Symposium partnership with the Realtors Association of the Palm Beaches to provide assistance with communities and the distressed property market. Residents in the Village and surrounding communities have the opportunity to meet with various experts in the County and obtain assistance from attorneys, Realtor's, Lending institutions – Kick-off was held on March 26, with meetings held on April 23 and May 21 – additional meetings are scheduled for once a month on the third Thursday for the next year. Next meeting scheduled for June 18

Medical Arts District

- Conceptual Master Plan completed with identified uses
- LECOM presentation made on 4/14/09 to Council

- Working with Palm Beach County (Kevin Johns) to ensure PBC Coordination
- Working with Kevin Dilallo of WRMC on Master Plan and suitability for LECOM
- MAD Zoning District Draft

Sustainable Development

- Recognizes the interconnectedness between the environment, economy and the community itself
- Drafting of a Sustainable Development Element for the Comprehensive Plan (underway with FAU). Estimated completion of draft September, 2009
- Incorporation of changes to the Village's Land Development Regulations and Code of Ordinances
- Go Green Team established. The GGT mission is to provide leadership, professional recommendations and education to move the Village towards becoming a sustainable community
- We have been able to utilize stimulus grant dollars to initiate many of these "green" practices. For example, the Village is participating in the **Energy Efficiency and Conservation Block Grant (EECBG) Program**. This grant is provided to assist qualifying entities in implementing energy and conservation strategies.
- Go Green intends to roll out several initiatives in the upcoming months including an enhanced recycling program, a green procurement policy, and a variety of other policy initiatives
- GGT is preparing a "Go Green Guide" which will provide direction for internal Village practices and protocol but also intended for access/use by the public
- Currently the Village has begun to implement "green" practices in the day-to-day operational activities. For example:
 - "Go Green – Go Paperless" initiative for employees and residents
 - Employees are utilizing electronic ways to communicate
 - Scanning documents instead of copying them
 - Residents are able to conduct business with the Village by utilizing a variety of paperless methods (see the Village website for various opportunities).
 - Enhanced recycling programs, both internally and externally. For example, GGT is developing aluminum can recycling program. Program will be first of recycling initiatives. Sponsorships are procured and the Citizens Volunteer Organization (CVO) is expected to play a significant role.

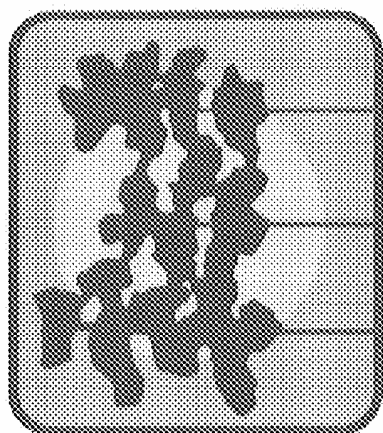
- Energy savings including turning off lights, powering down computers and installing timers on air conditioners and other electrical apparatuses.
 - Installation of LED (light emitting diode) lighting used for outdoor parks and median lighting and at the tennis courts
 - native median planting and additional reuse water used for median and parkland irrigation
 - LEED (Leadership in Energy & Environmental Design) certified new construction of municipal facilities.
- It is a goal of the Village to continue to develop and use “green” technologies in order to better serve residents and to be as environmentally sound as possible.

Town Center

- Forest Hill Boulevard site (adjacent to Wellington Community Center) chosen for Town Center.
- Amphitheater approved at 9/23/08 Council meeting – design and construction underway.
- Interlocal Agreement with Palm Beach County approved on May 19, 2009 dedicating \$822,296 towards this project.
- Plans, engineering and site plan are underway for a bid date in July or August.
- Barrier-Free Playground (Scott's Place at Town Center) approved at 9/23/08 Council meeting – design and construction underway. Plans to be completed in mid-June for the restroom facility and bid with the amphitheater the following month.
- Direction to proceed with the construction of a 50,000-60,000 square foot two-story municipal facility at Town Center site approved at 4/14/09 Council meeting. Bid documents to be issued to design-build teams in early June.
- Will provide anchor of main street, a central gathering place, one-stop services for residents, and streamlined interdepartmental communications and operations.

Village Center Revitalizations

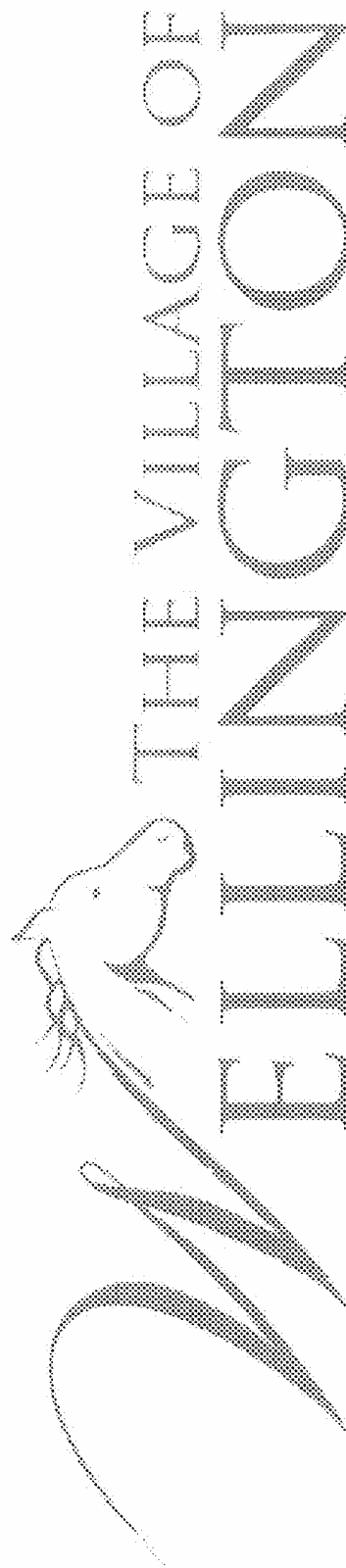
- Implementation of flex zoning employment center and expedited permitting process is intended to allow the Village's aging commercial centers to redevelop.

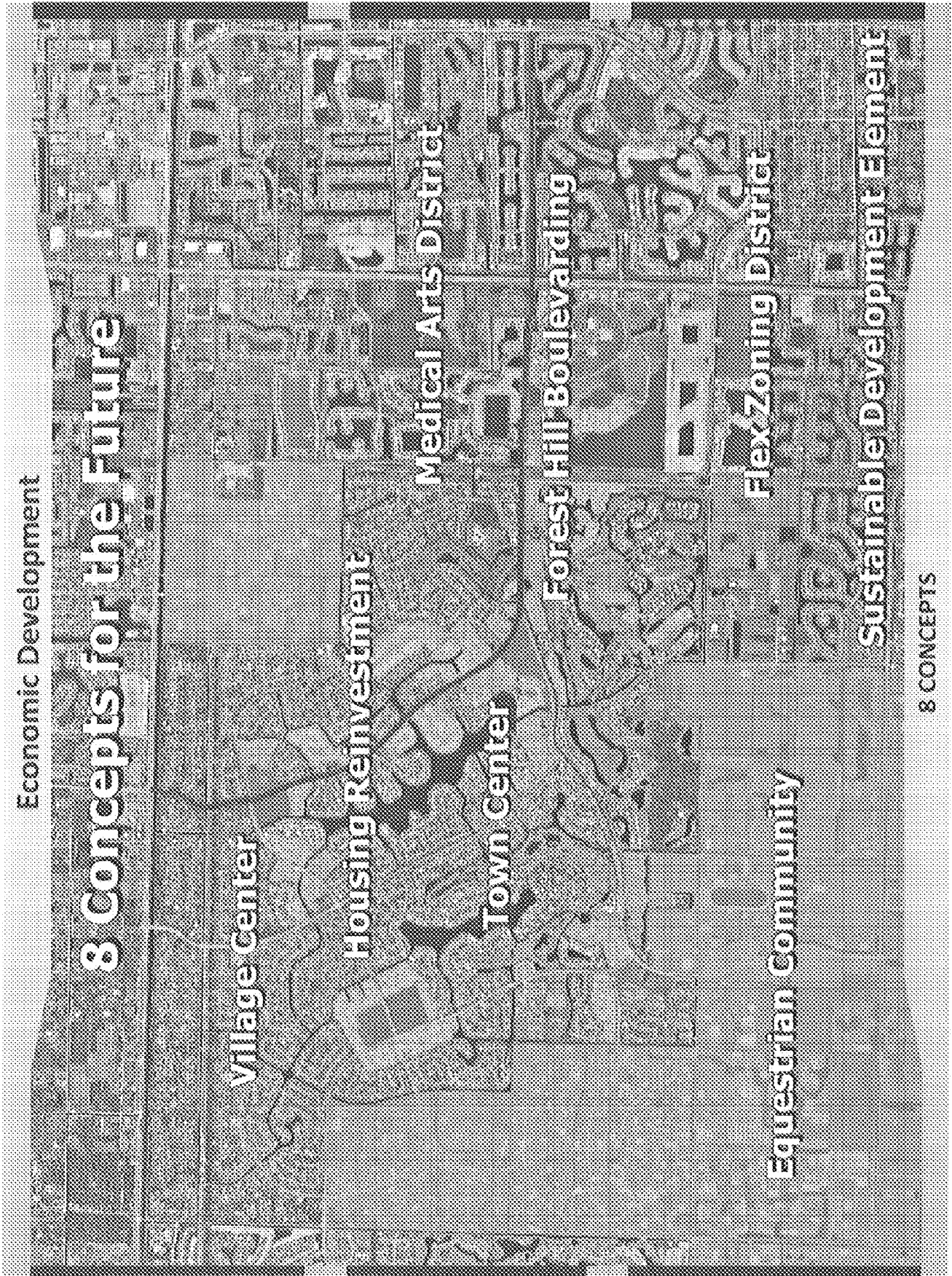


Economic Development Initiative

Summary

June 2009



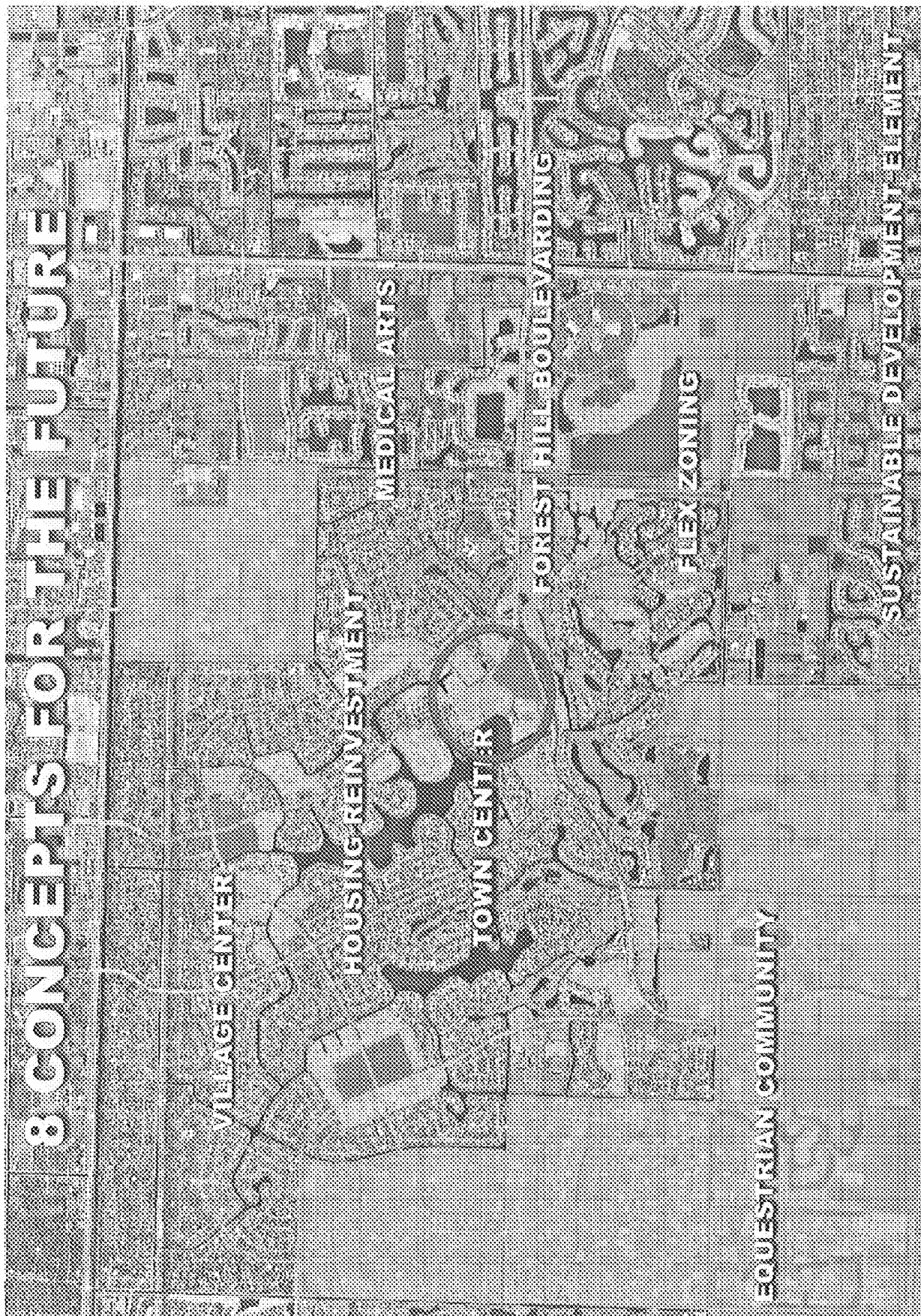


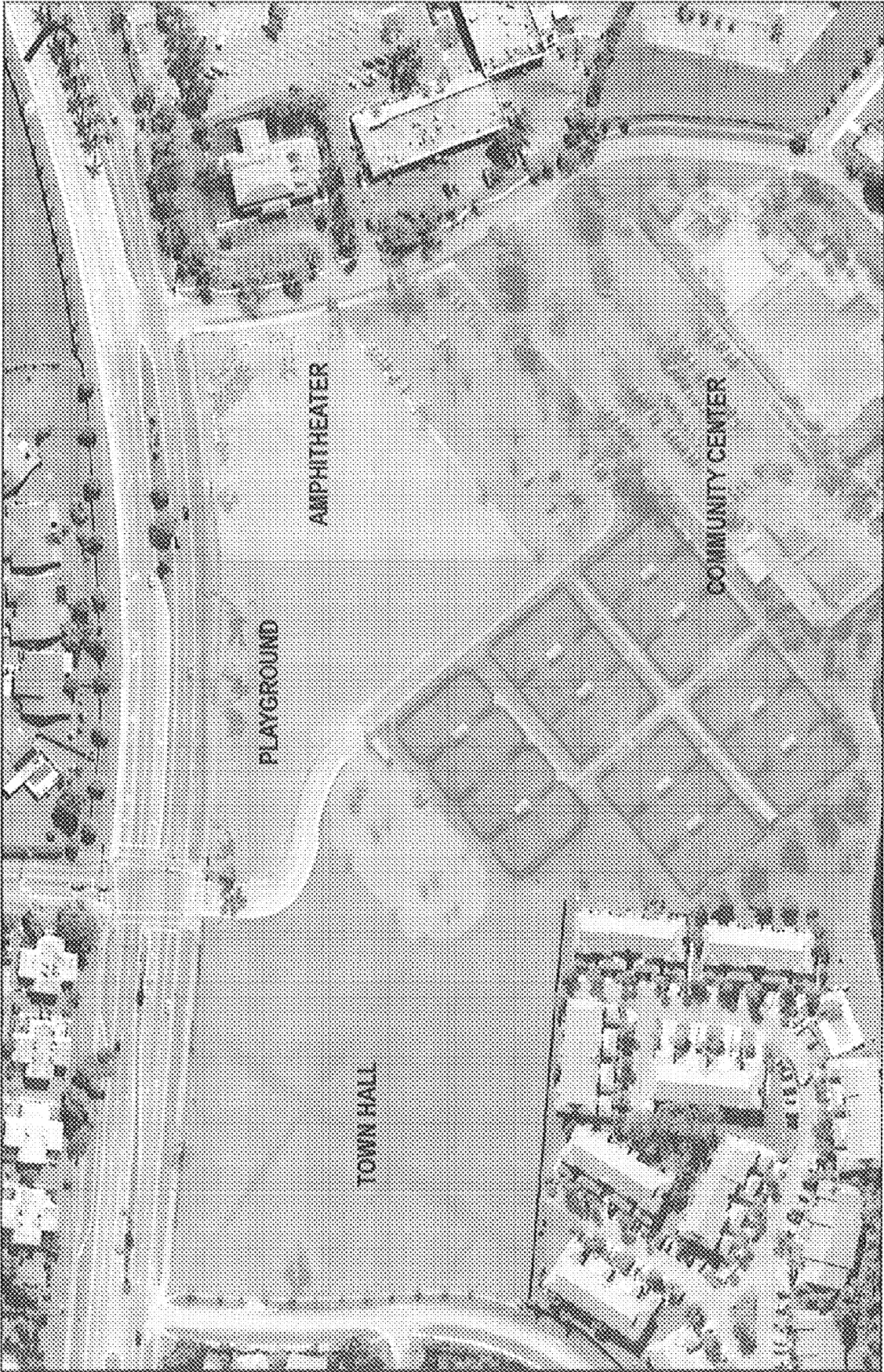
Village of Wellington

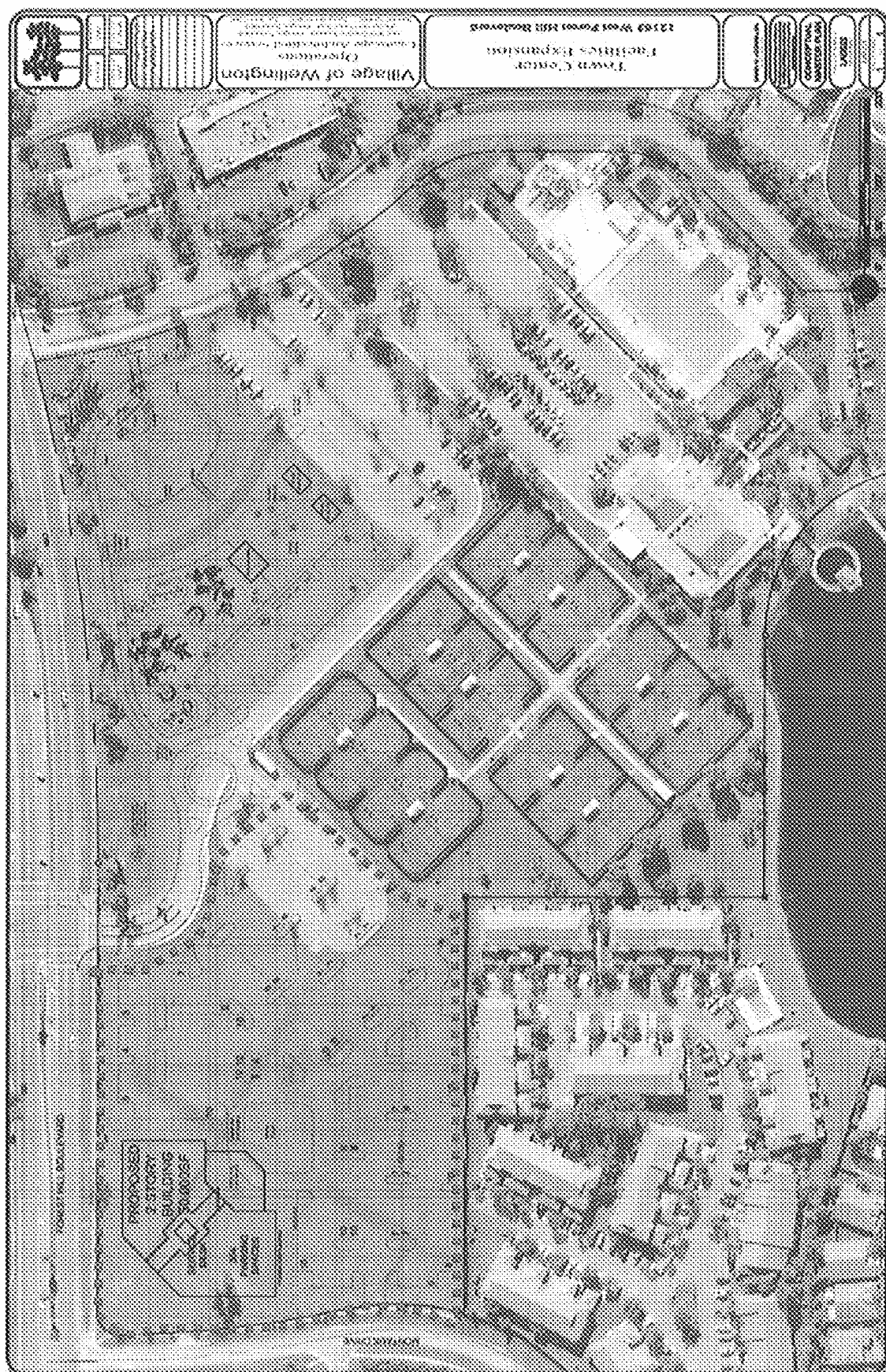
Economic Development Initiative Summary

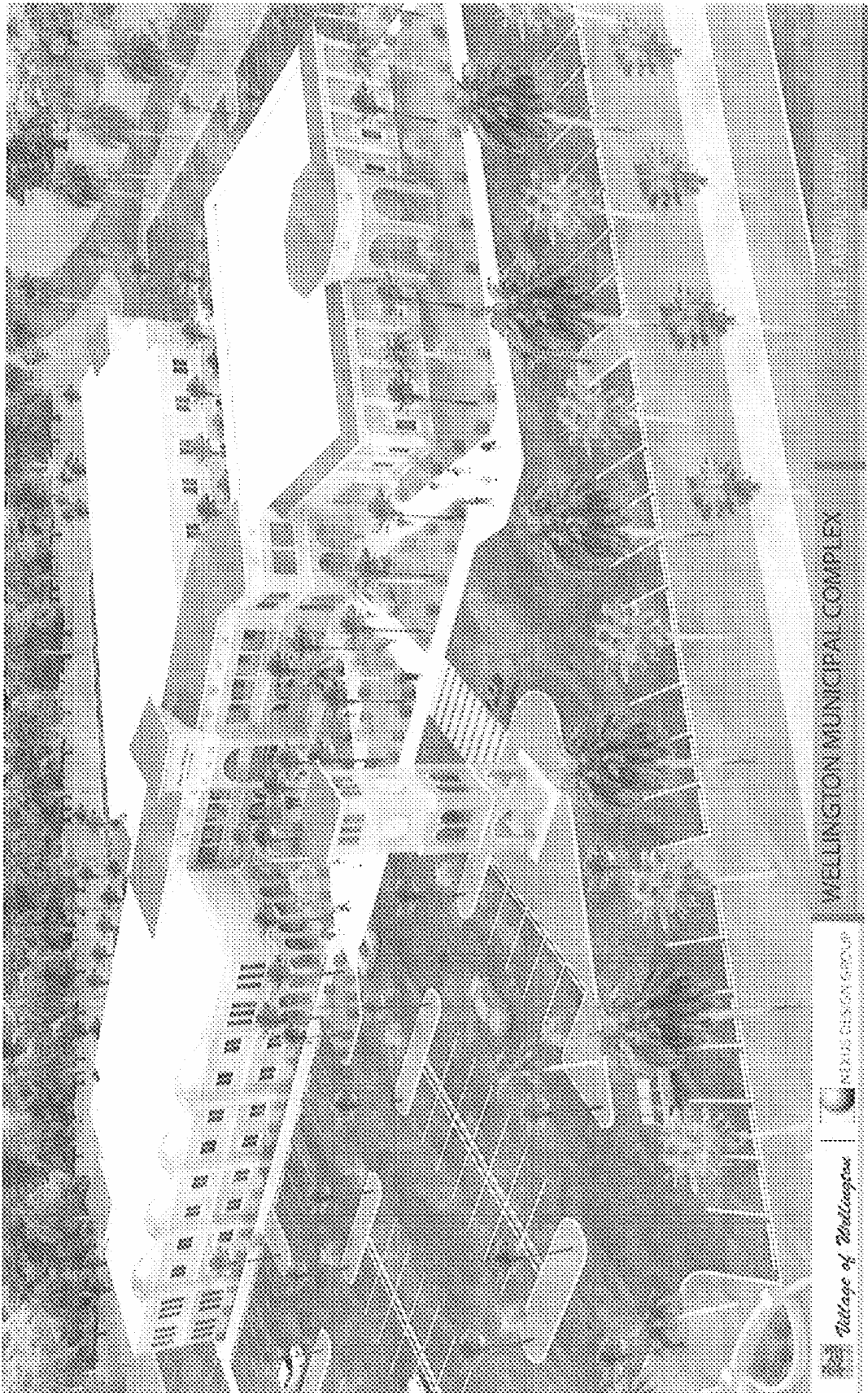
Town Center

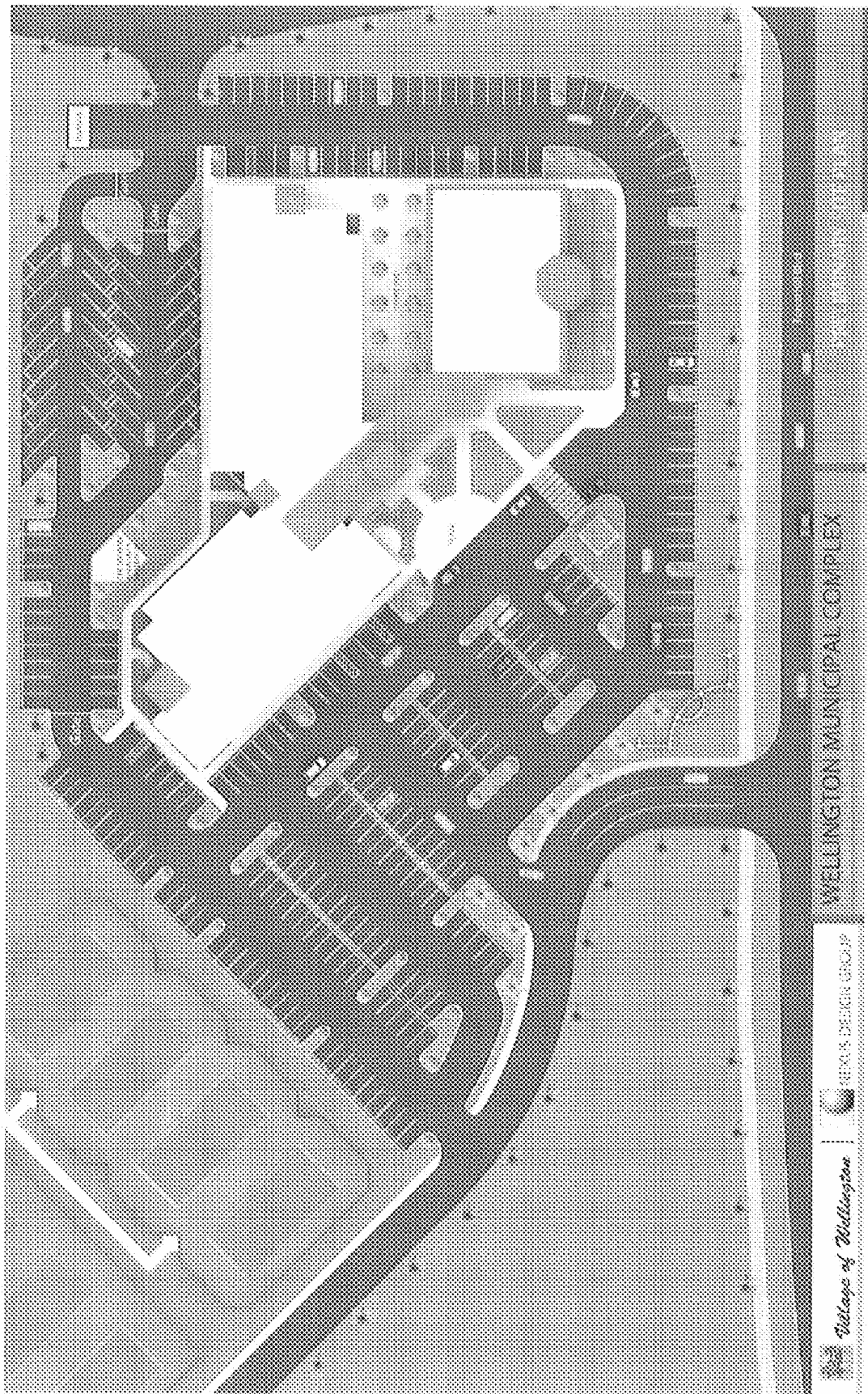
June 2009



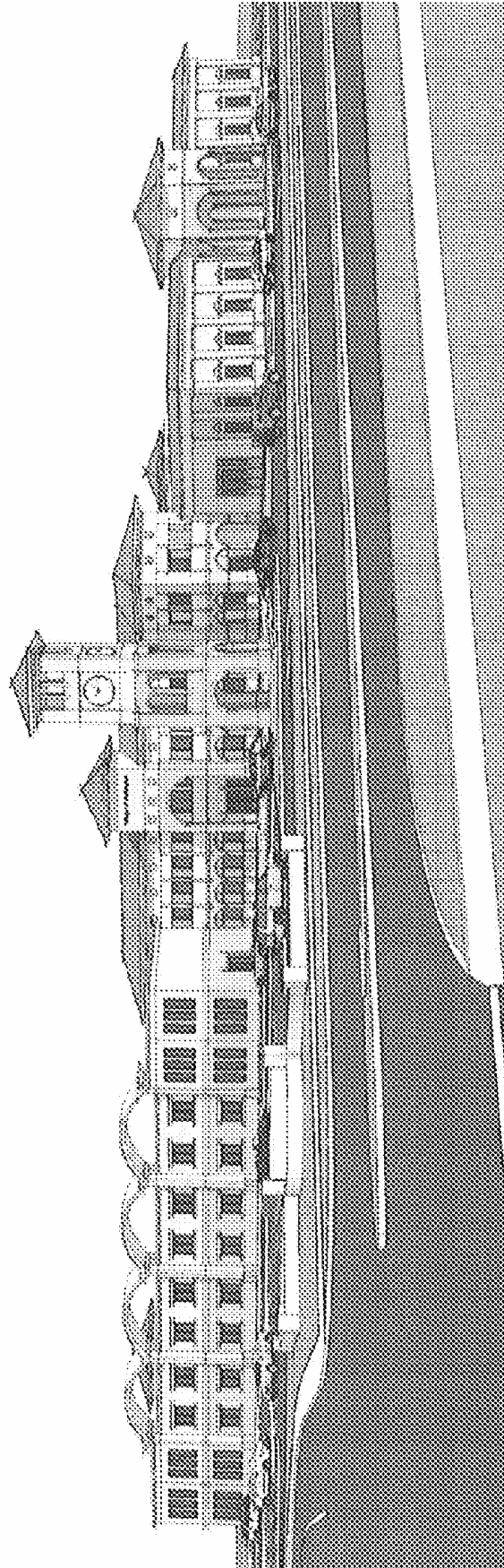




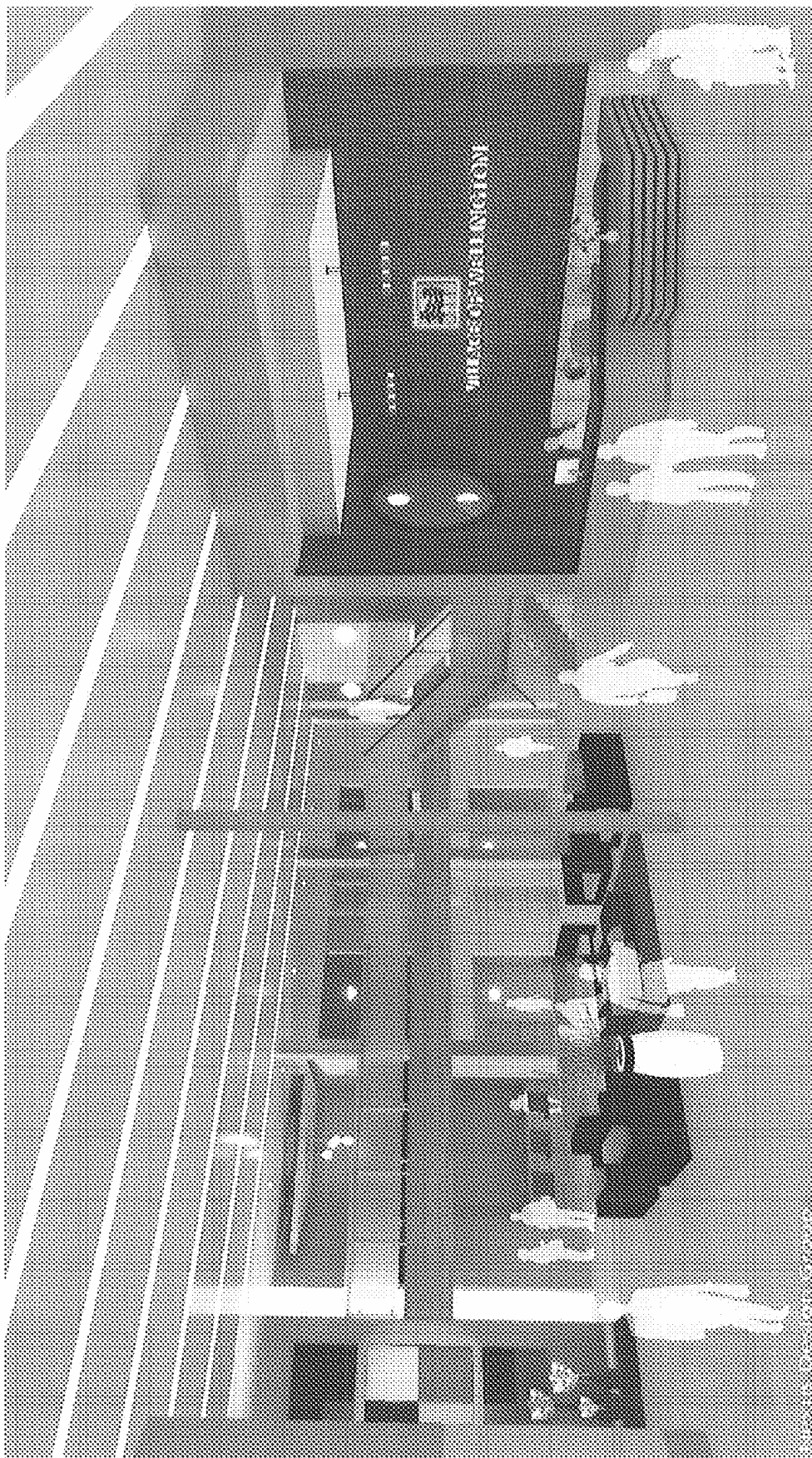


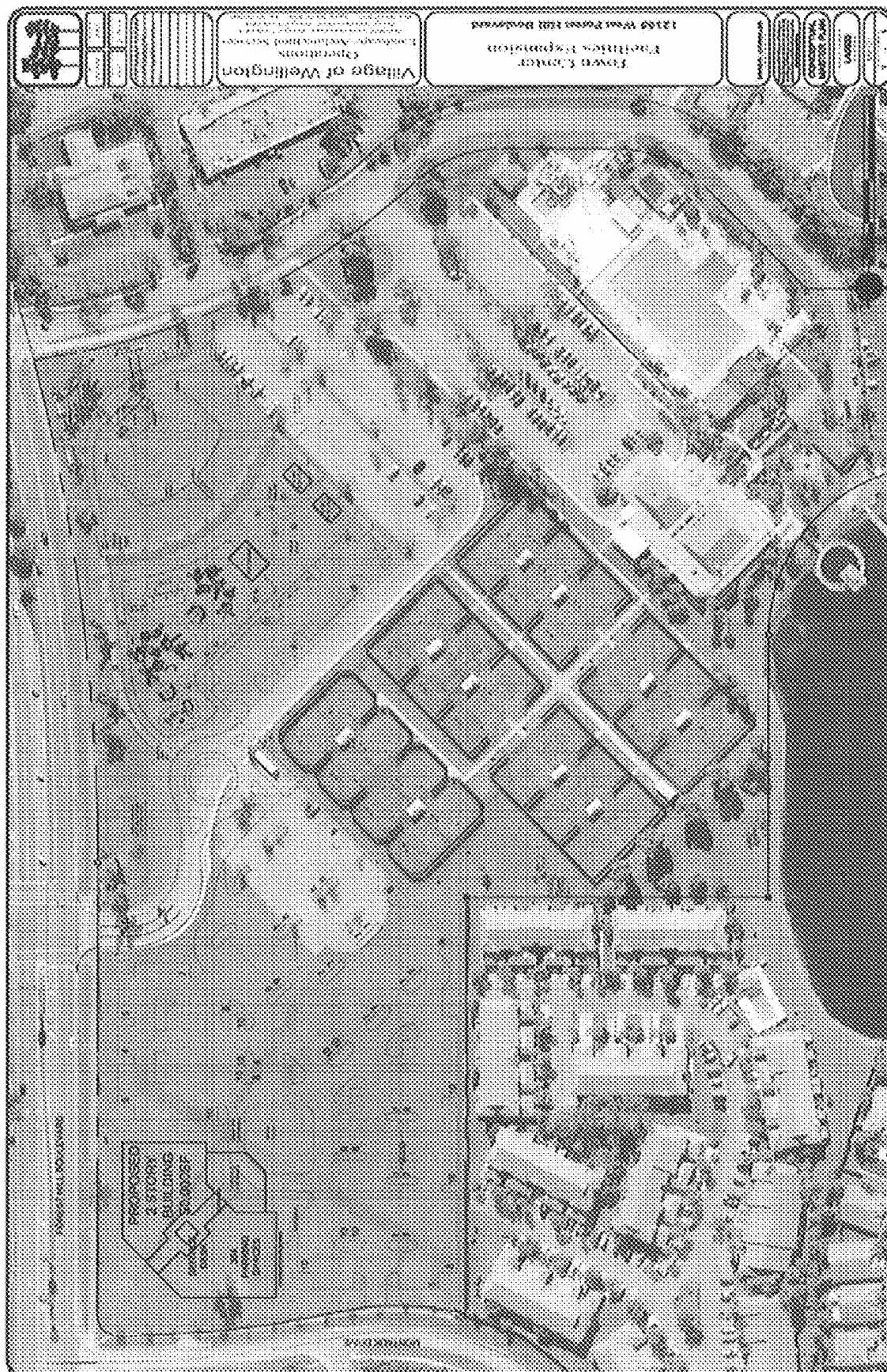


Municipal Complex Rendering

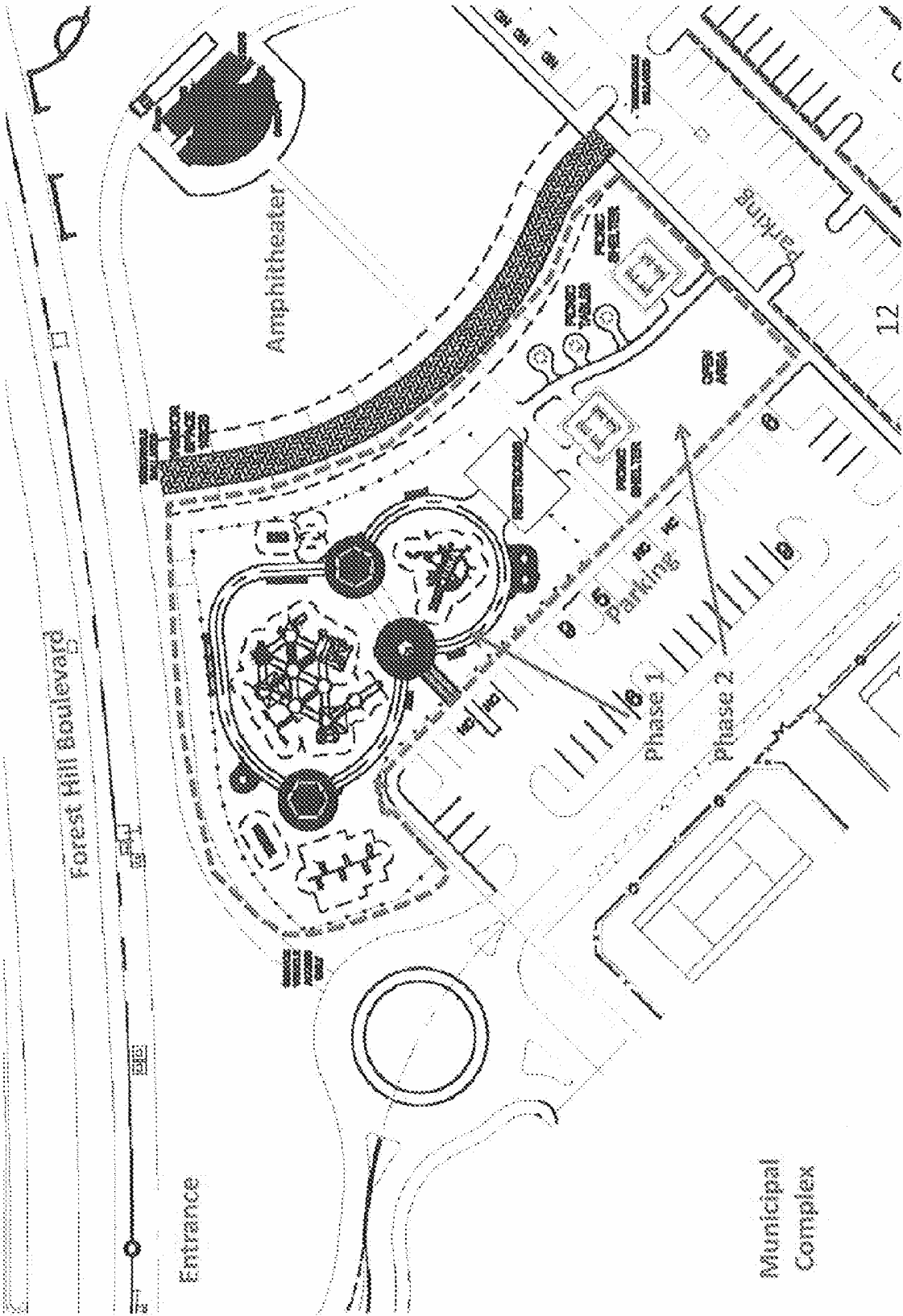


Interior Lobby Rendering

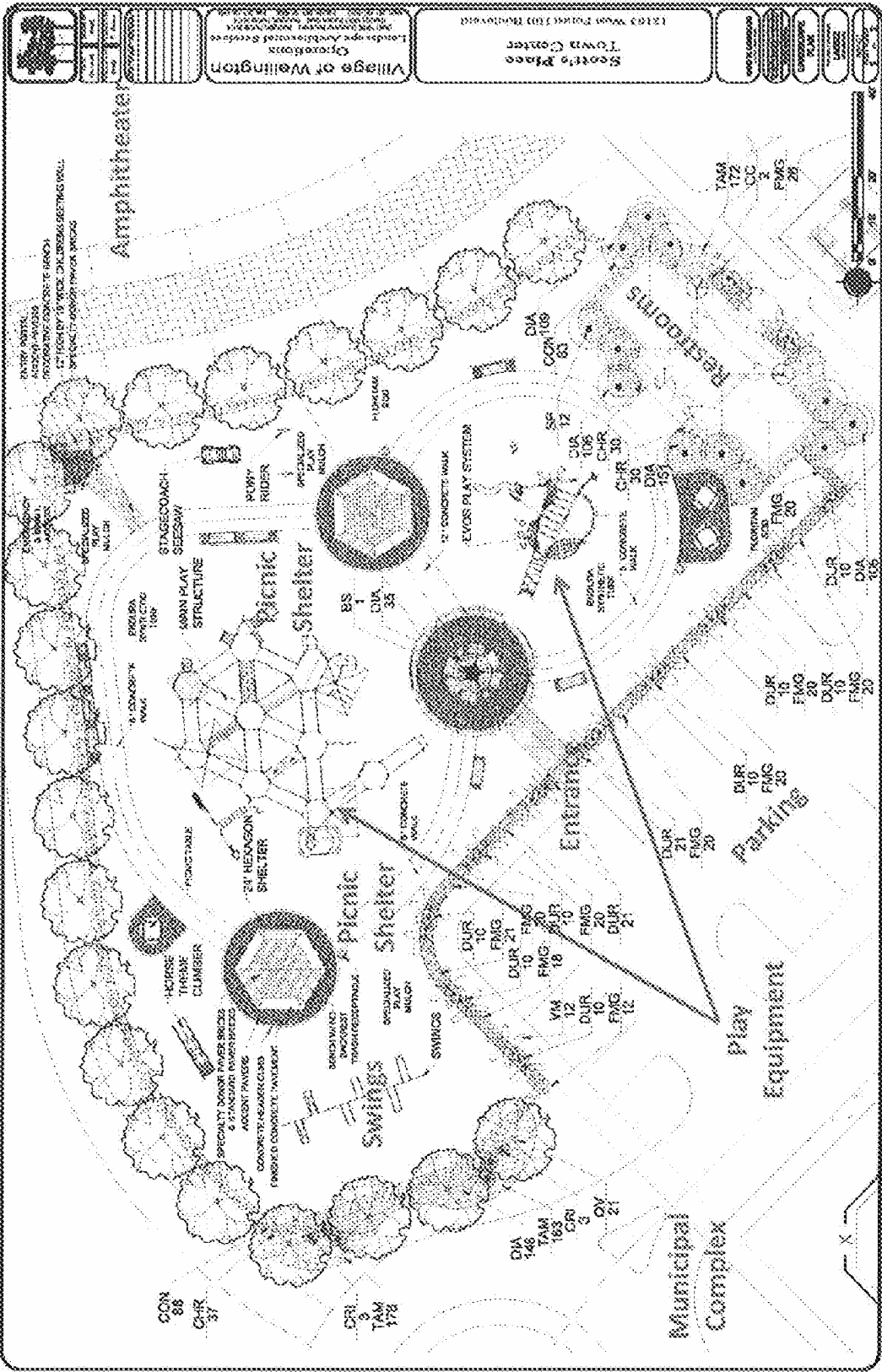




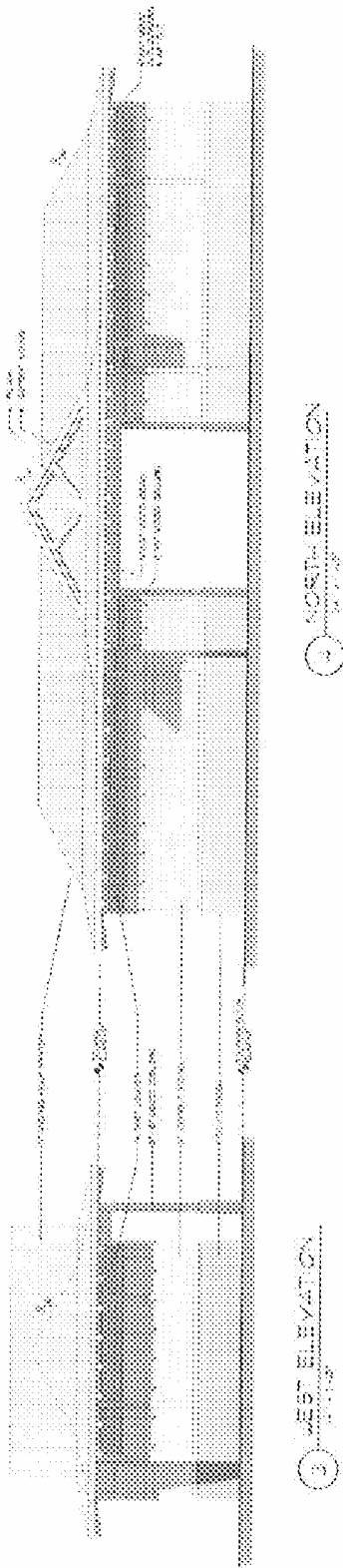
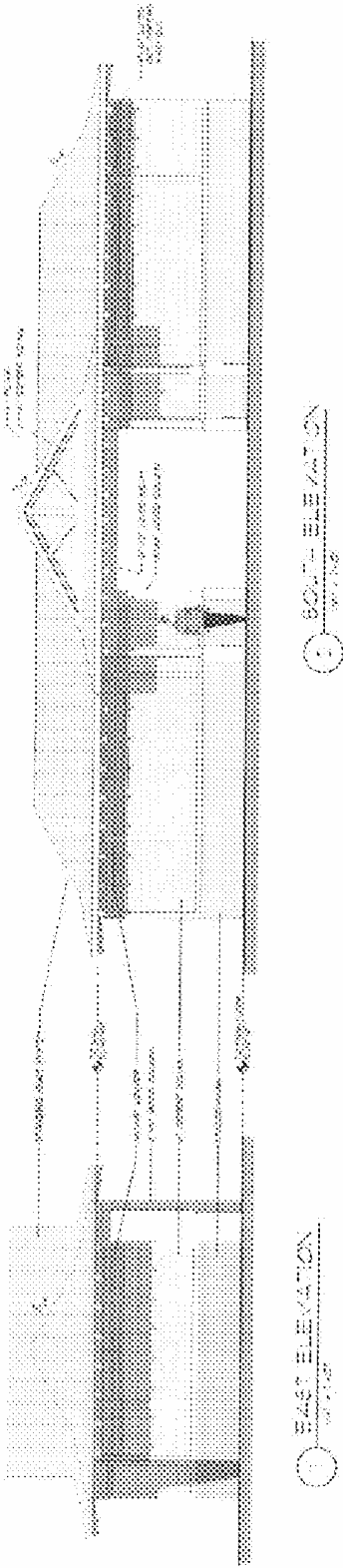
Scott's Place Site Plan



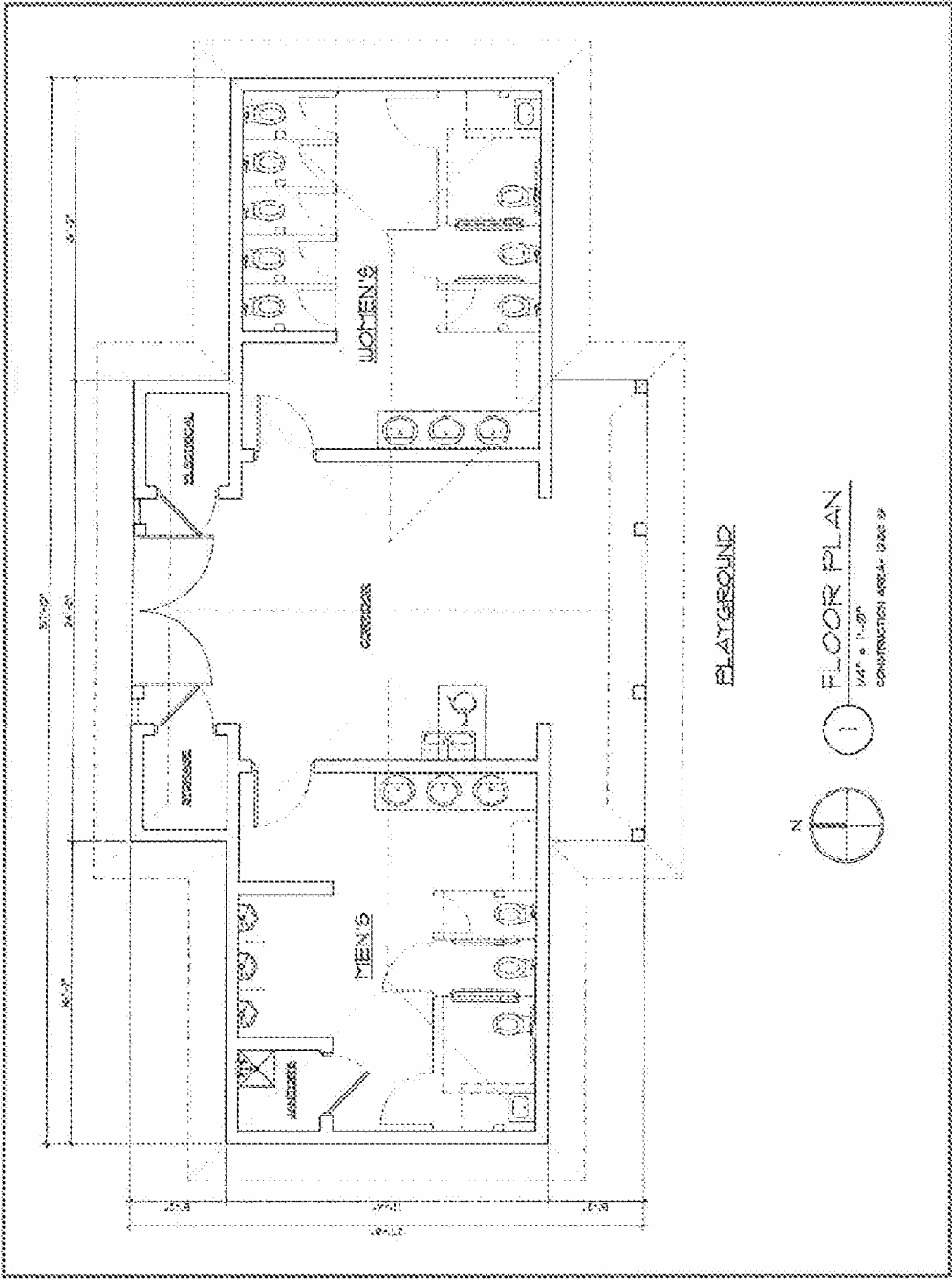
Scott's Place Site Plan

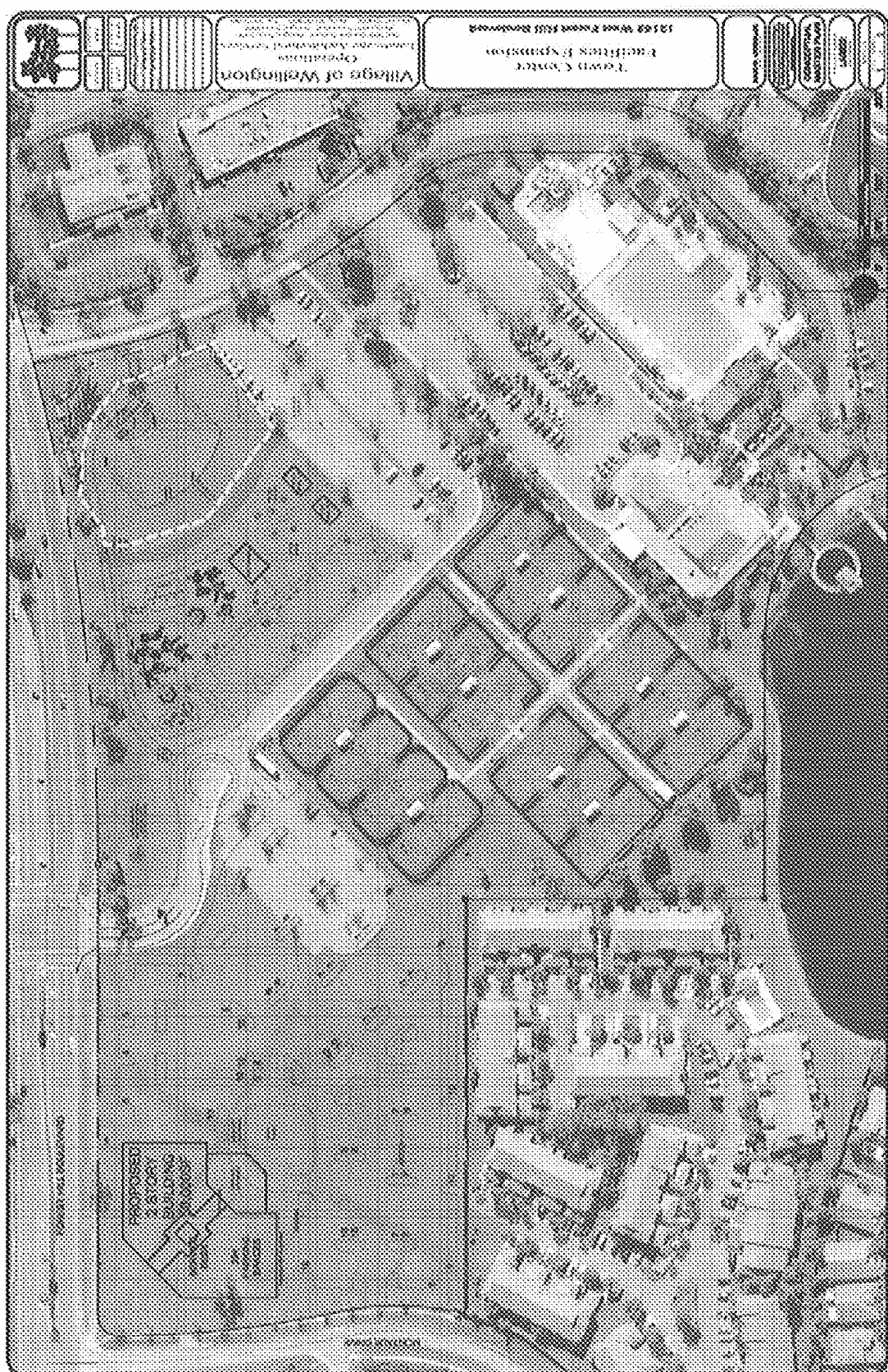


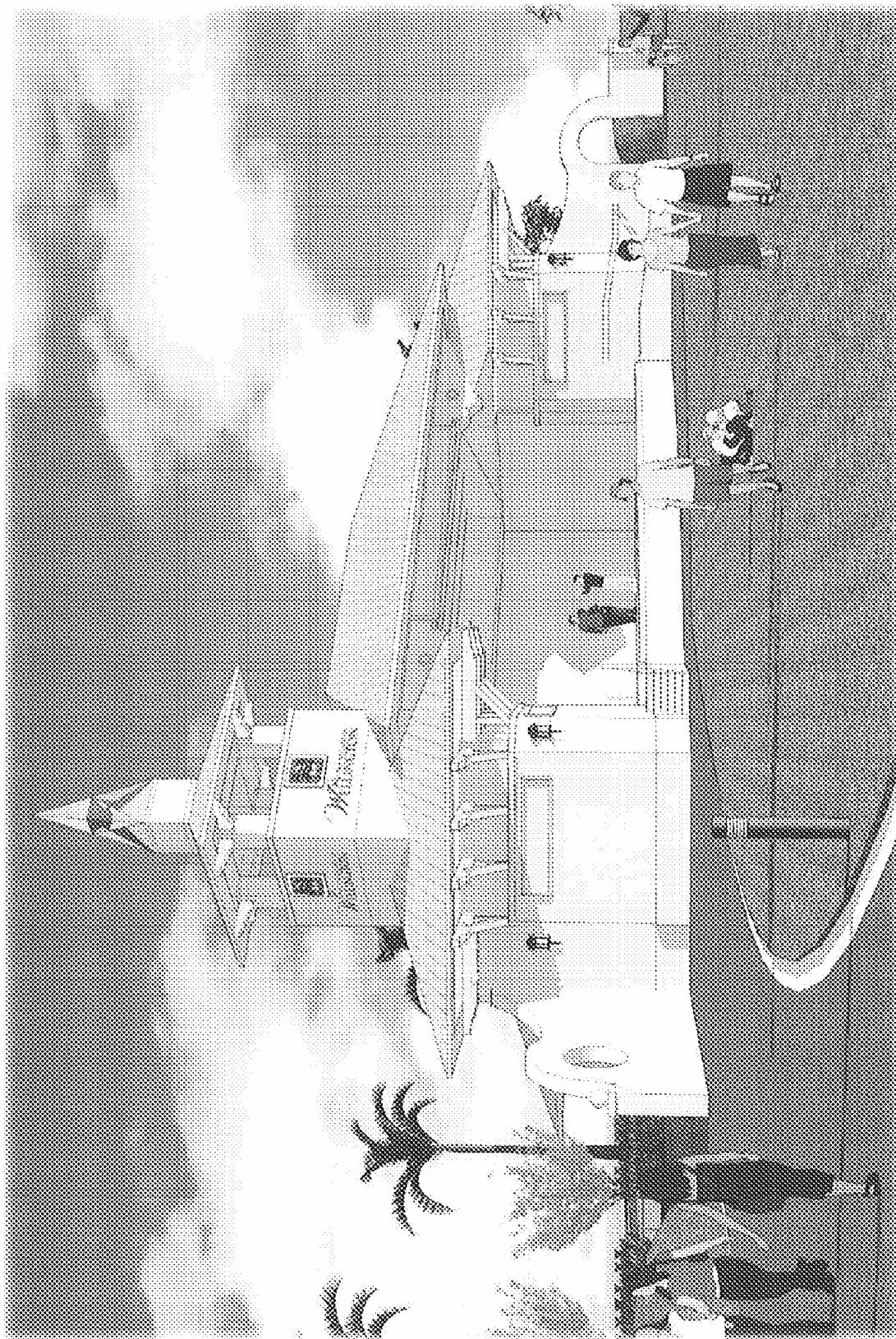
Scott's Place Playground Restroom Facility

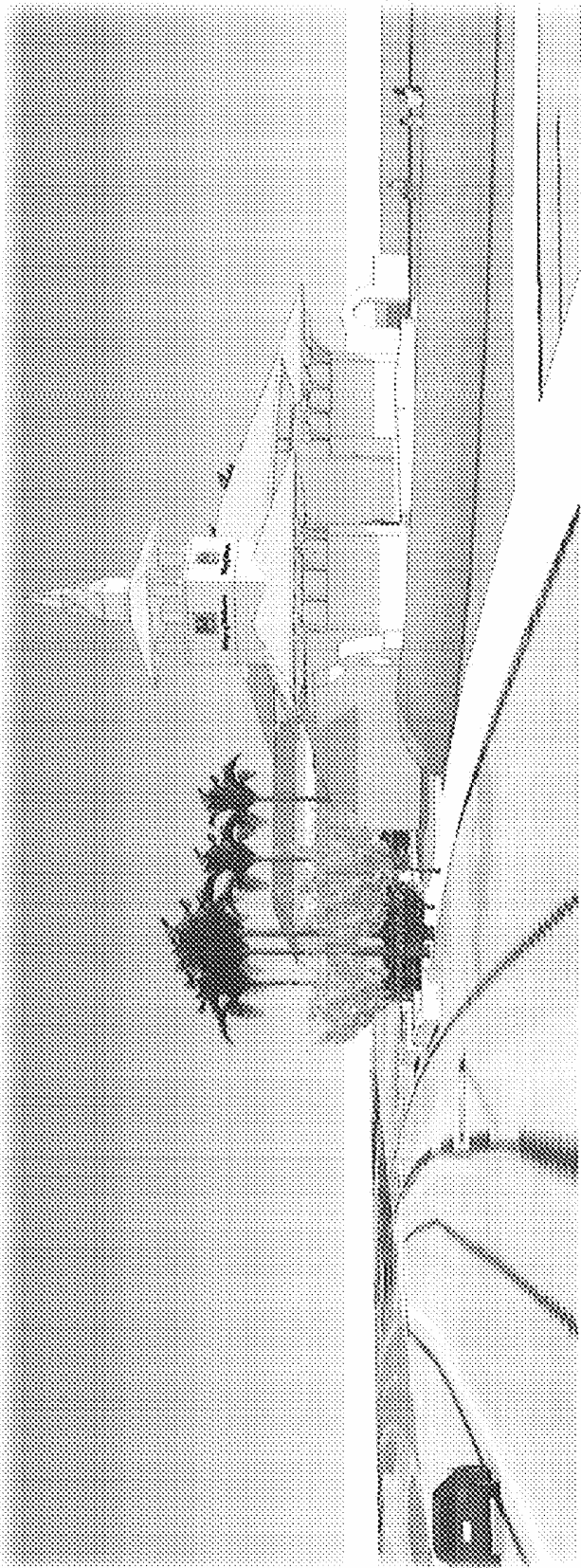


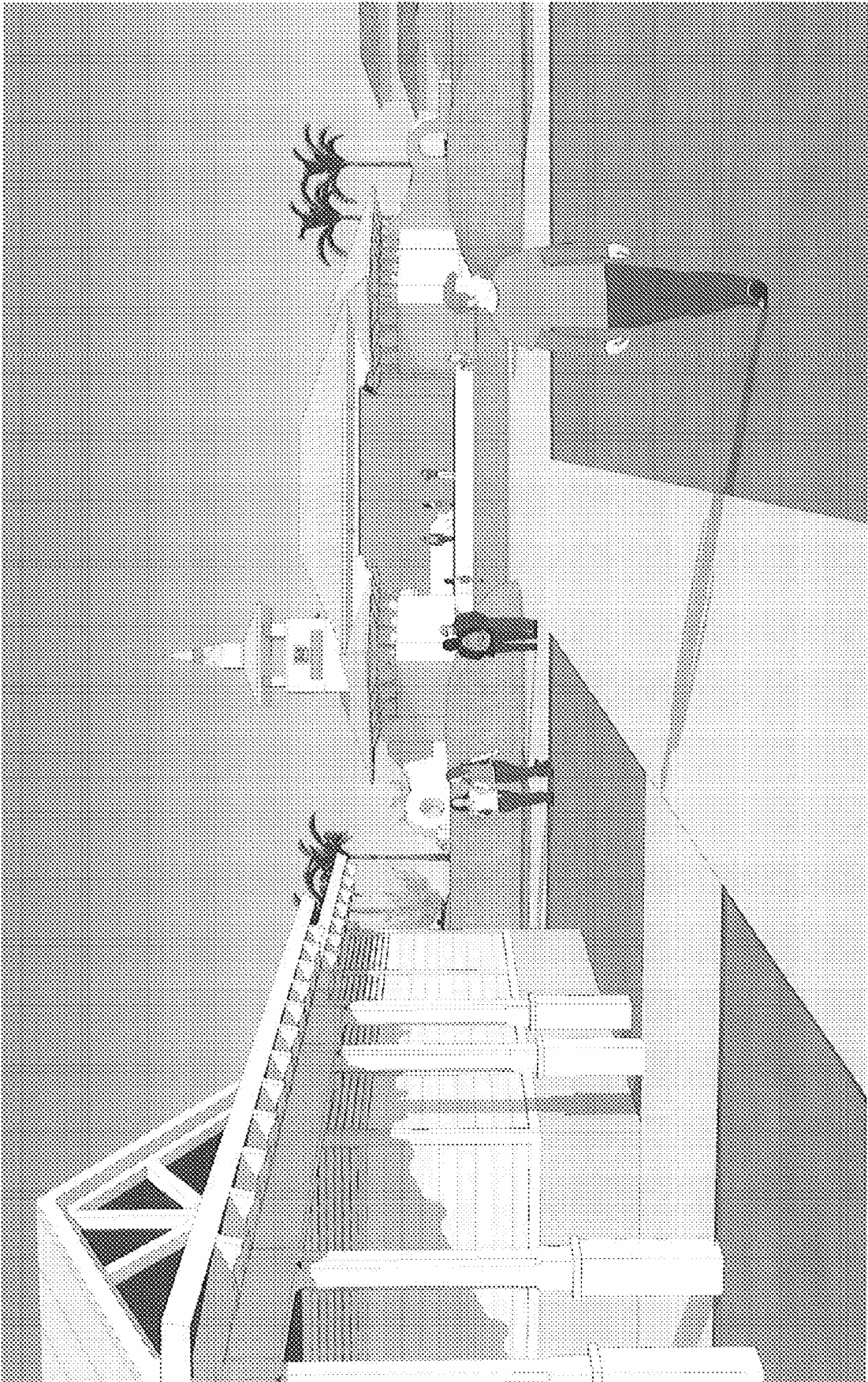
Scott's Place Playground Restroom Facility



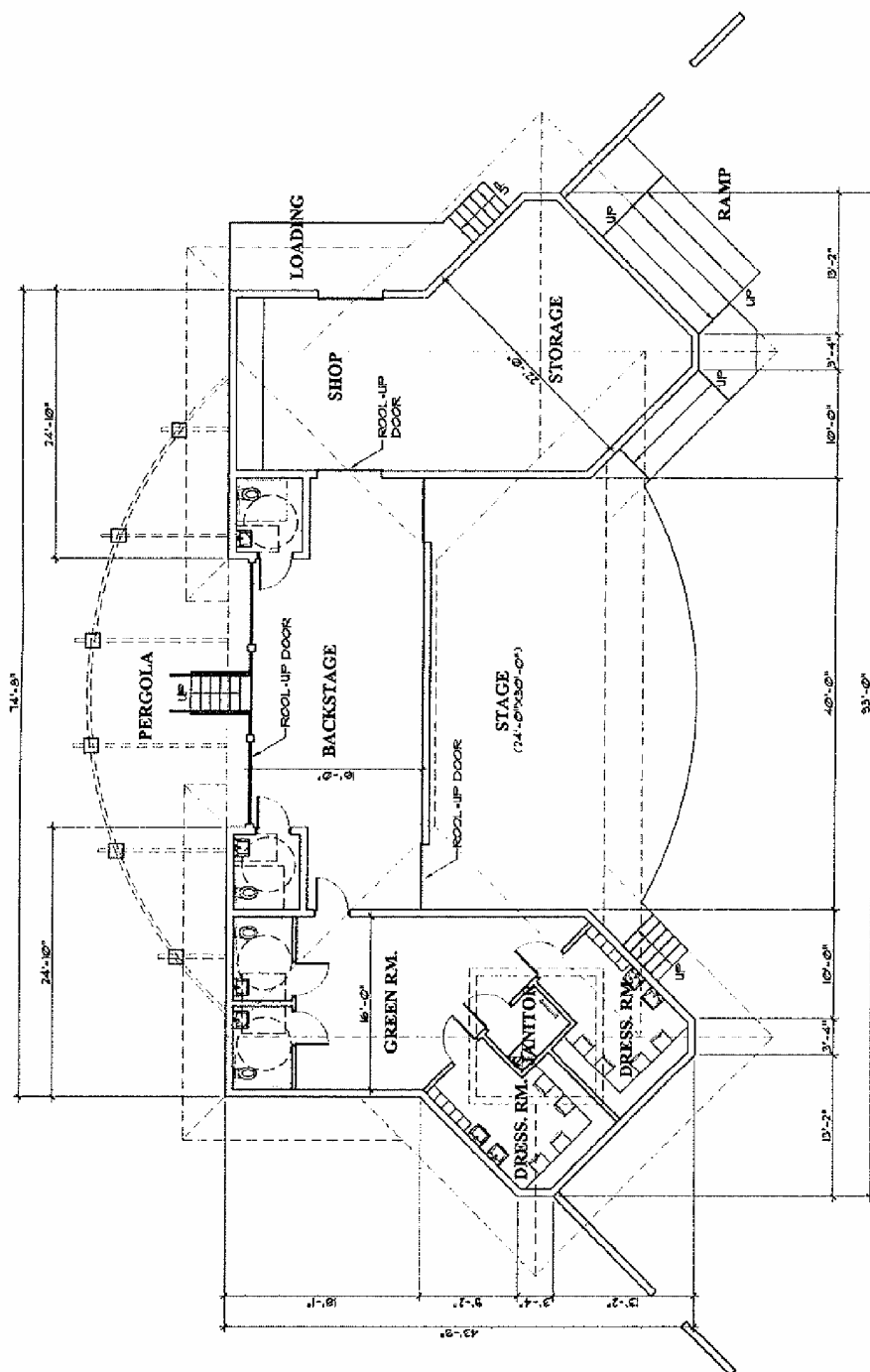








Amphitheater Preliminary Floor



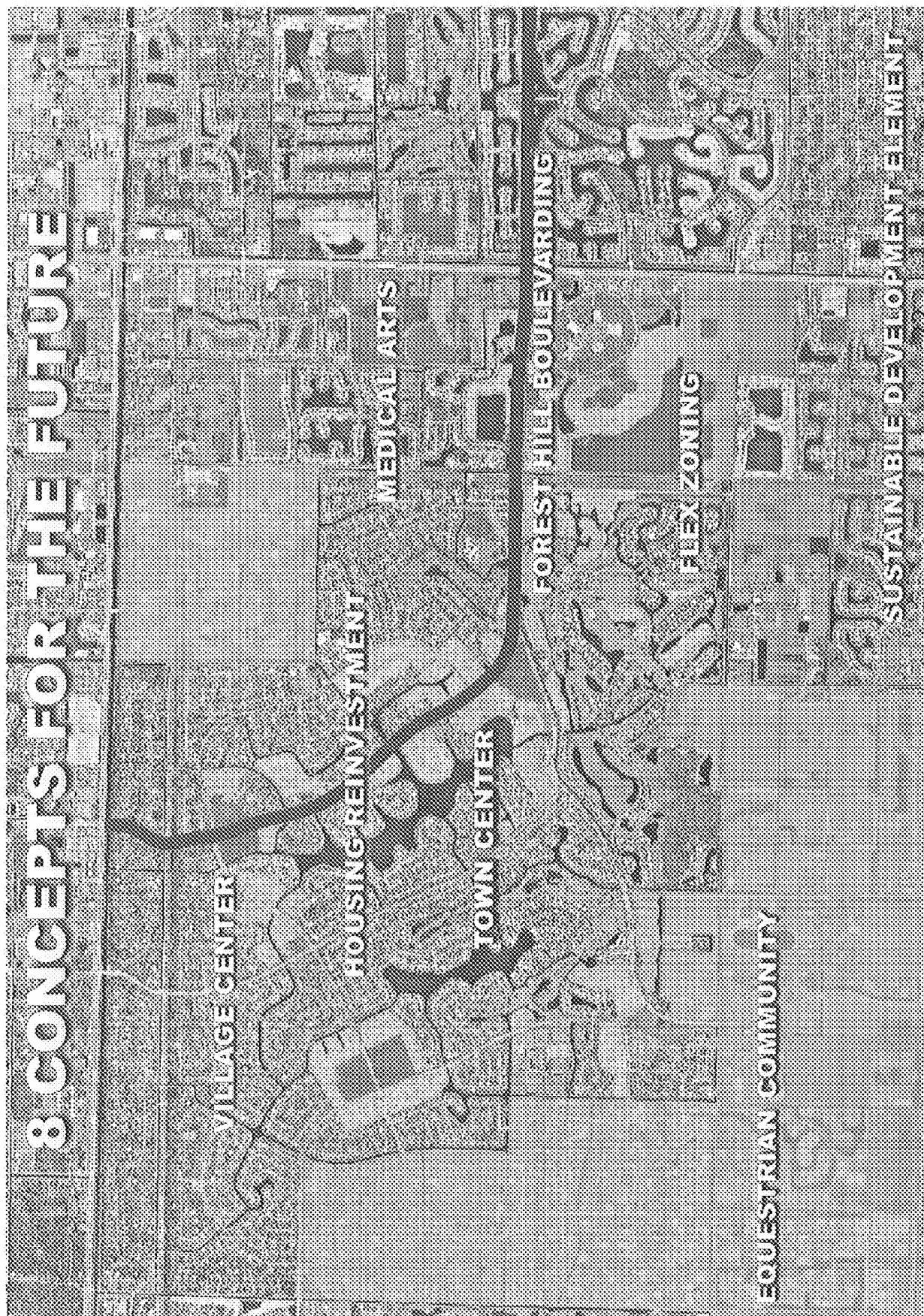
1
FLOOR PLAN
1/8" = 1'-0"
CONSTRUCTION AREA 3200 SF

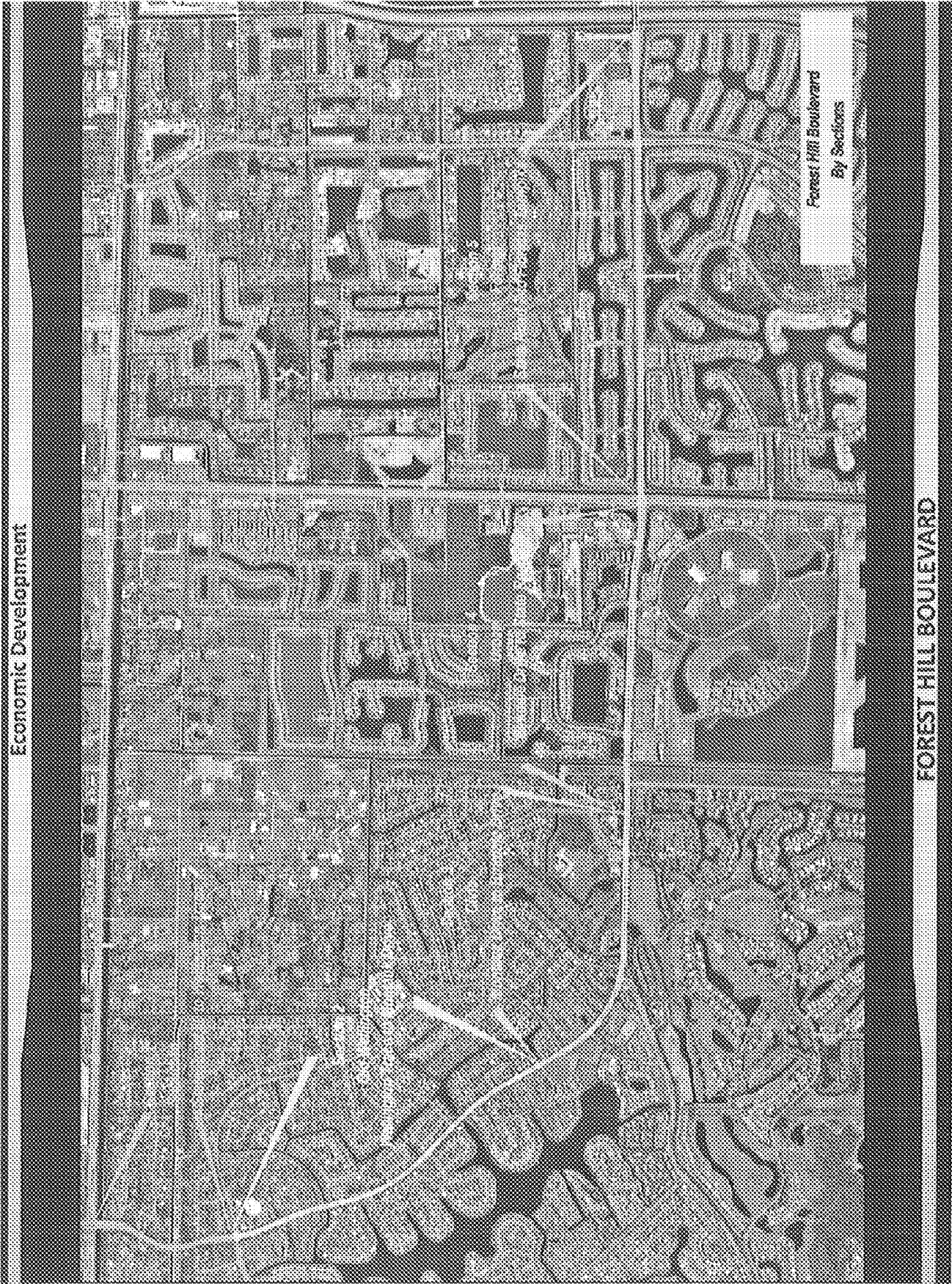
Village of Wellington

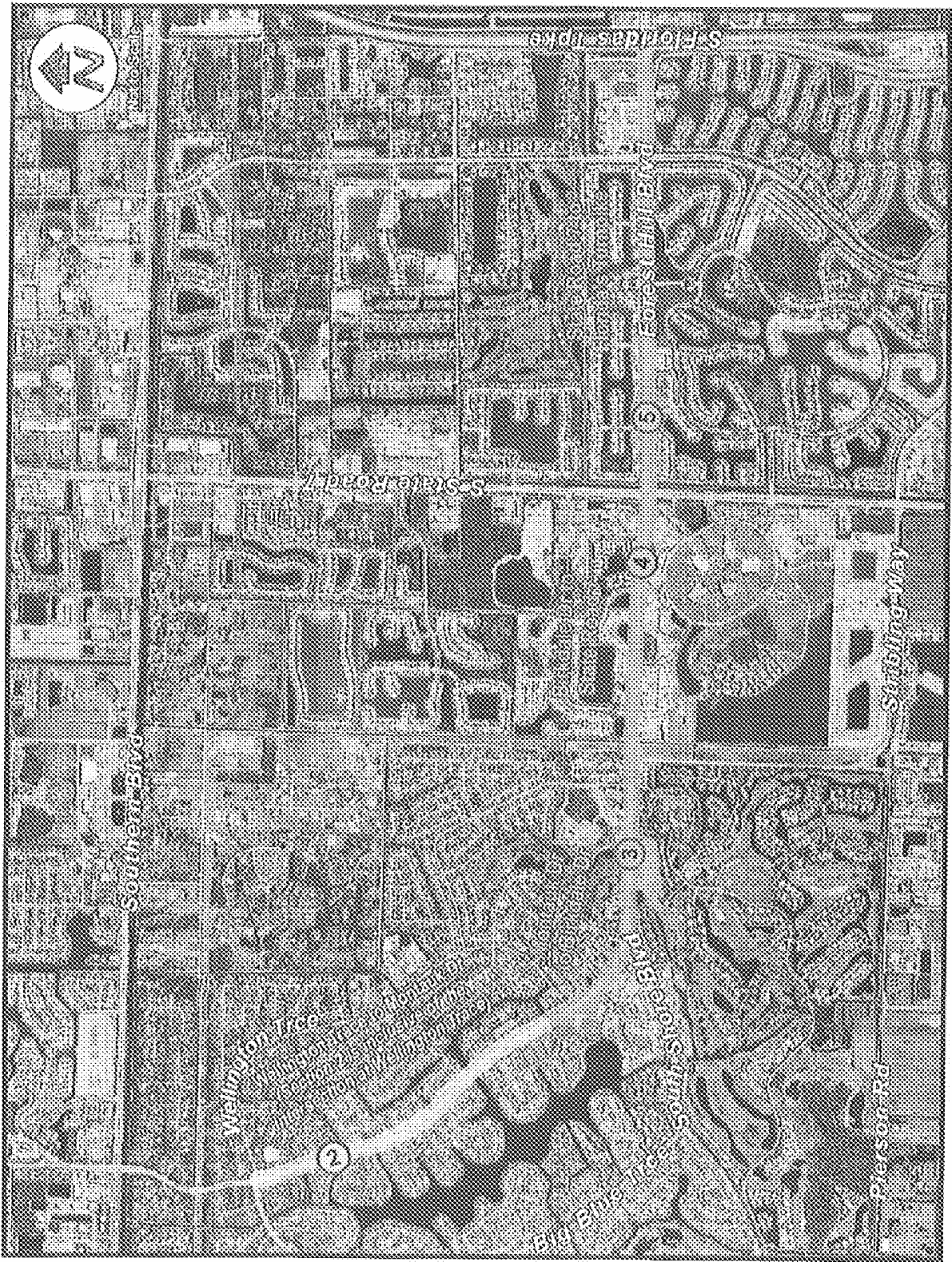
Economic Development Initiative Summary

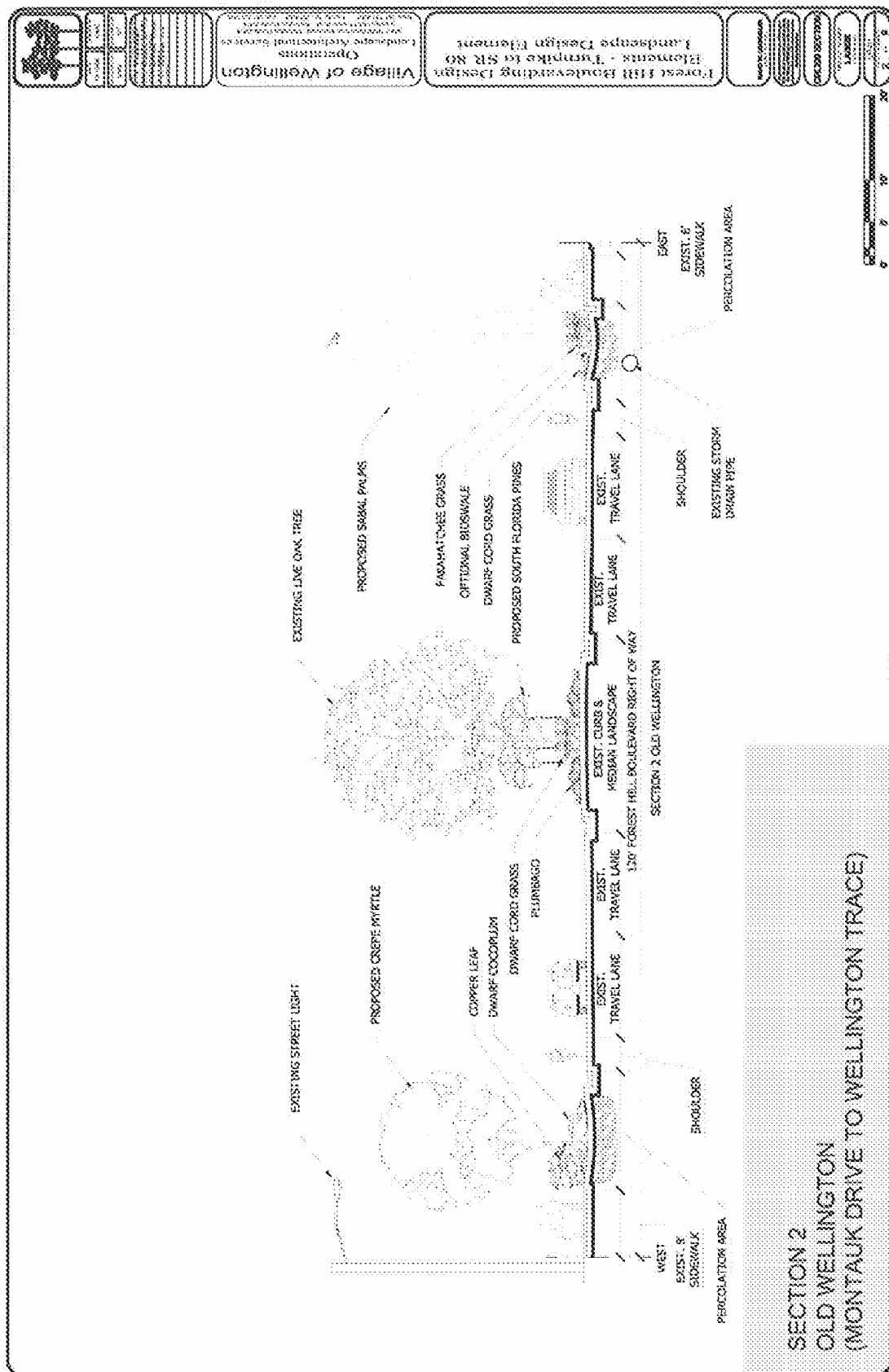
Forest Hill Boulevarding

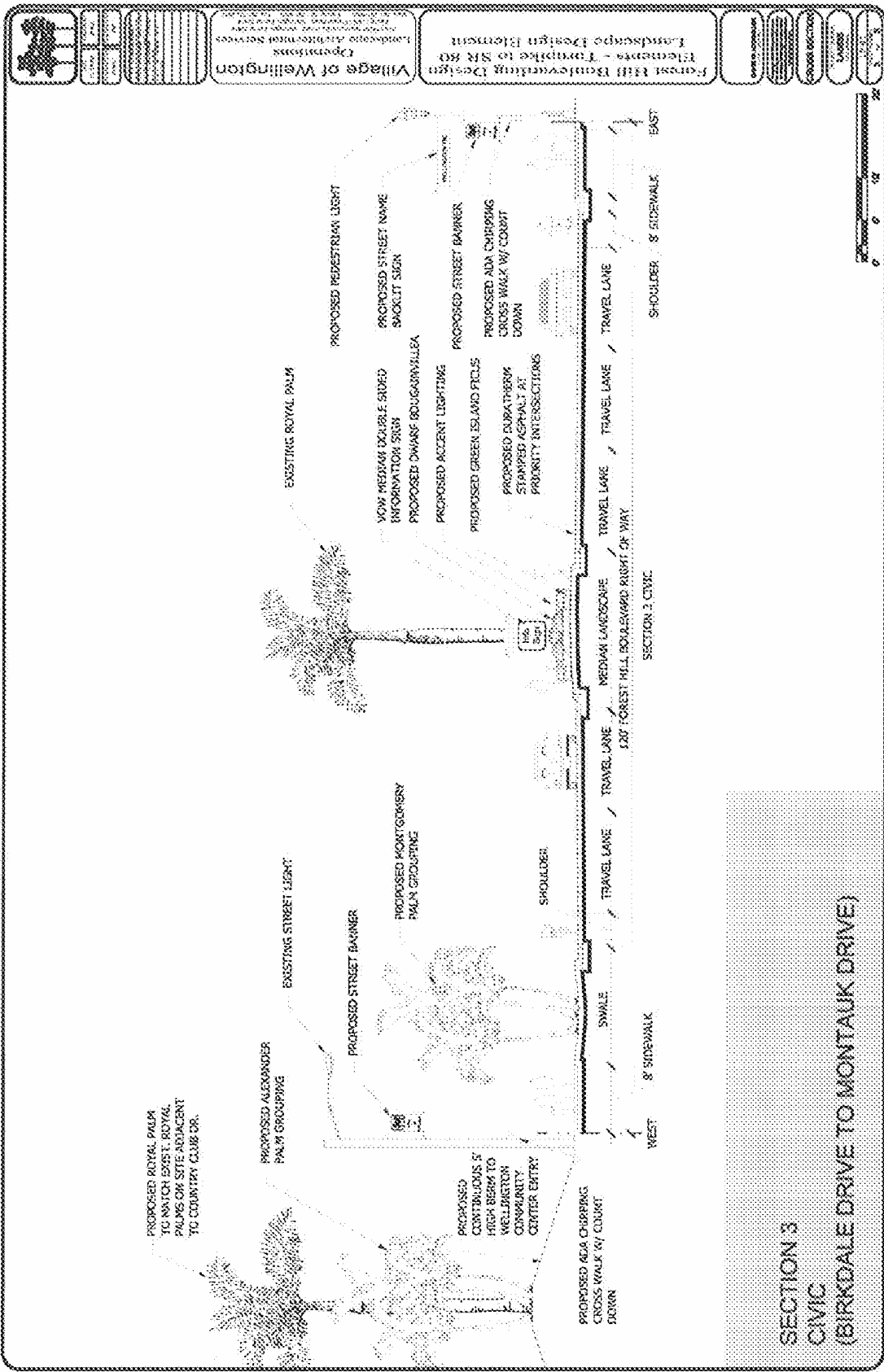
June 2009

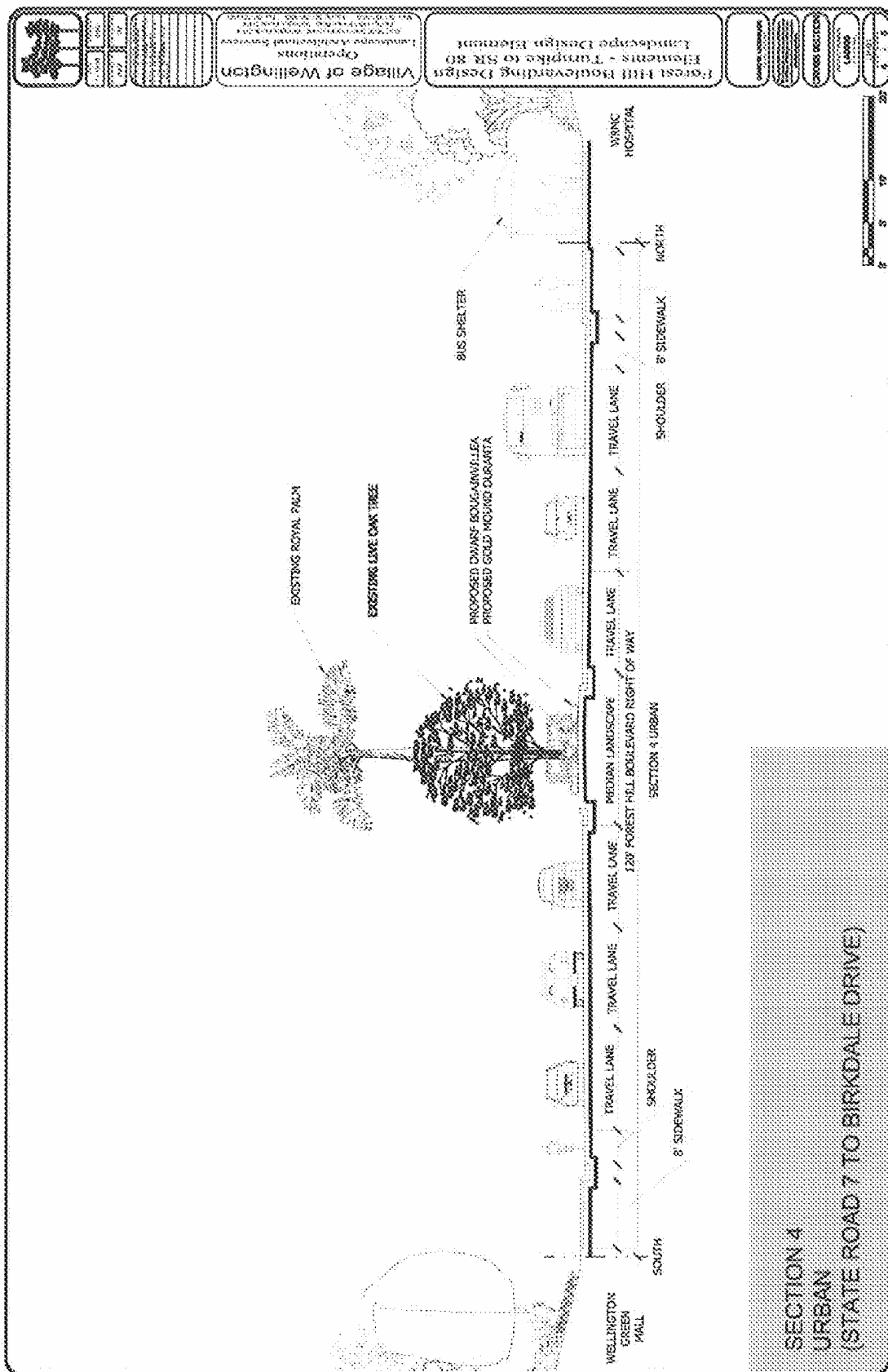


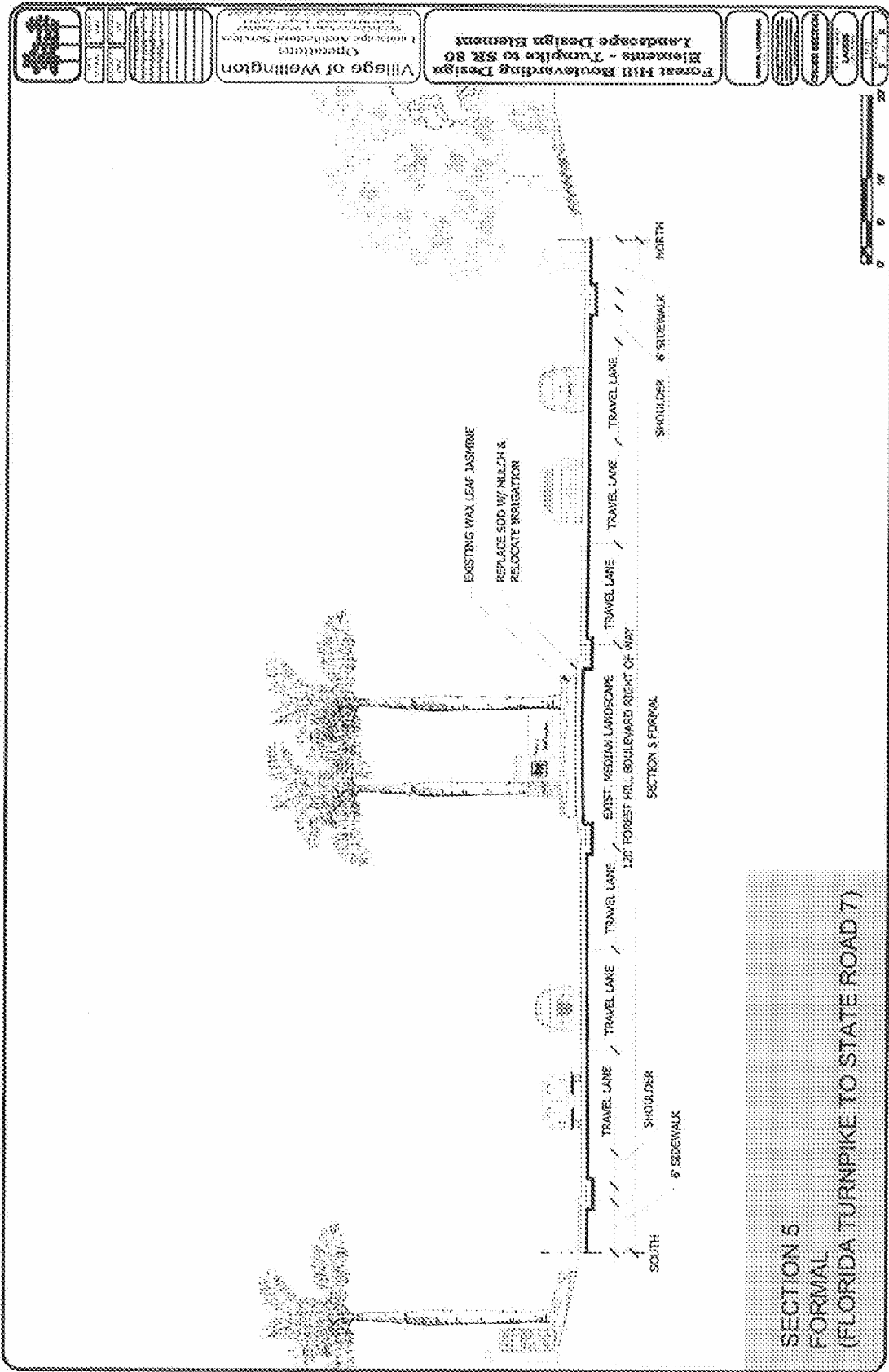


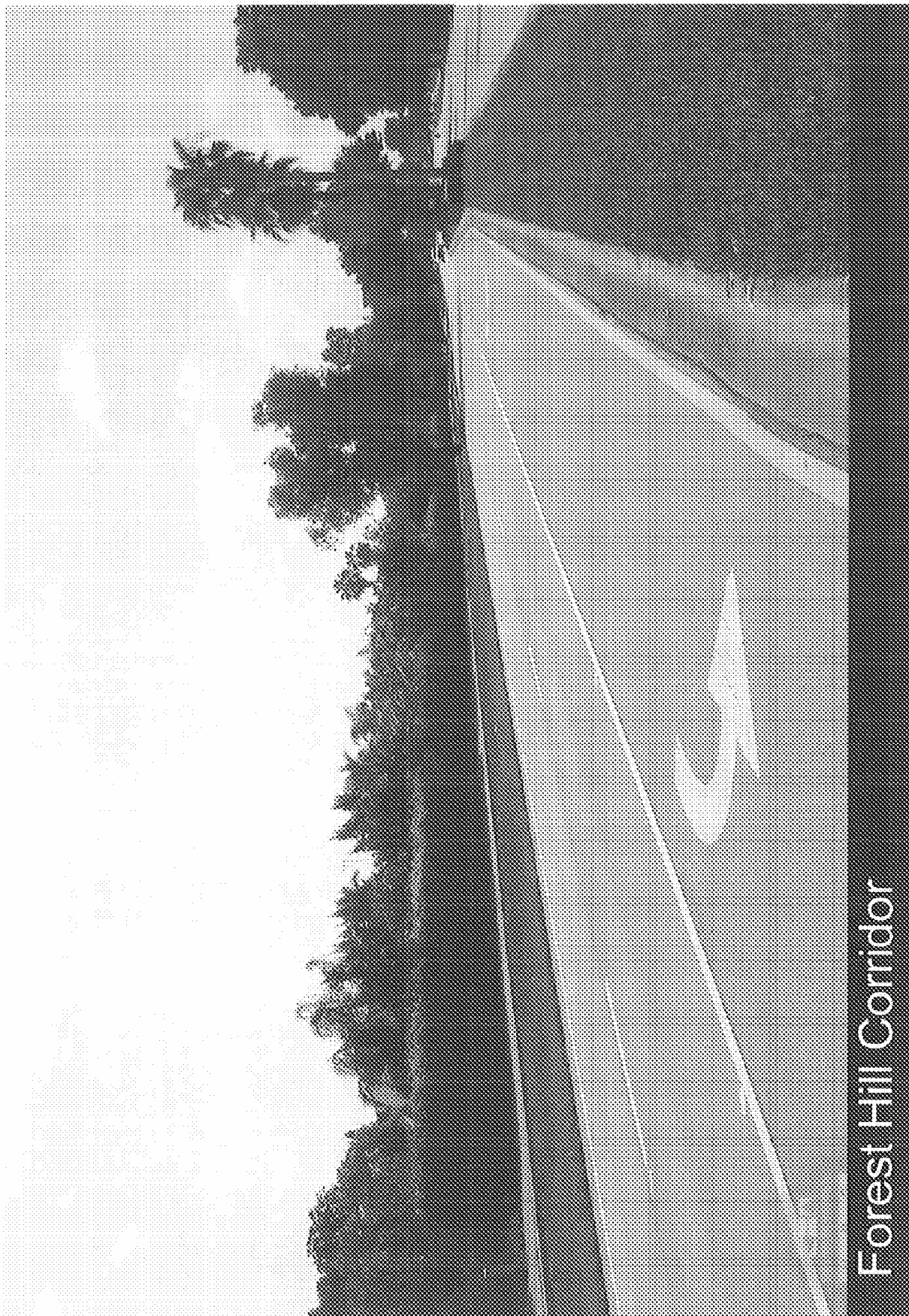




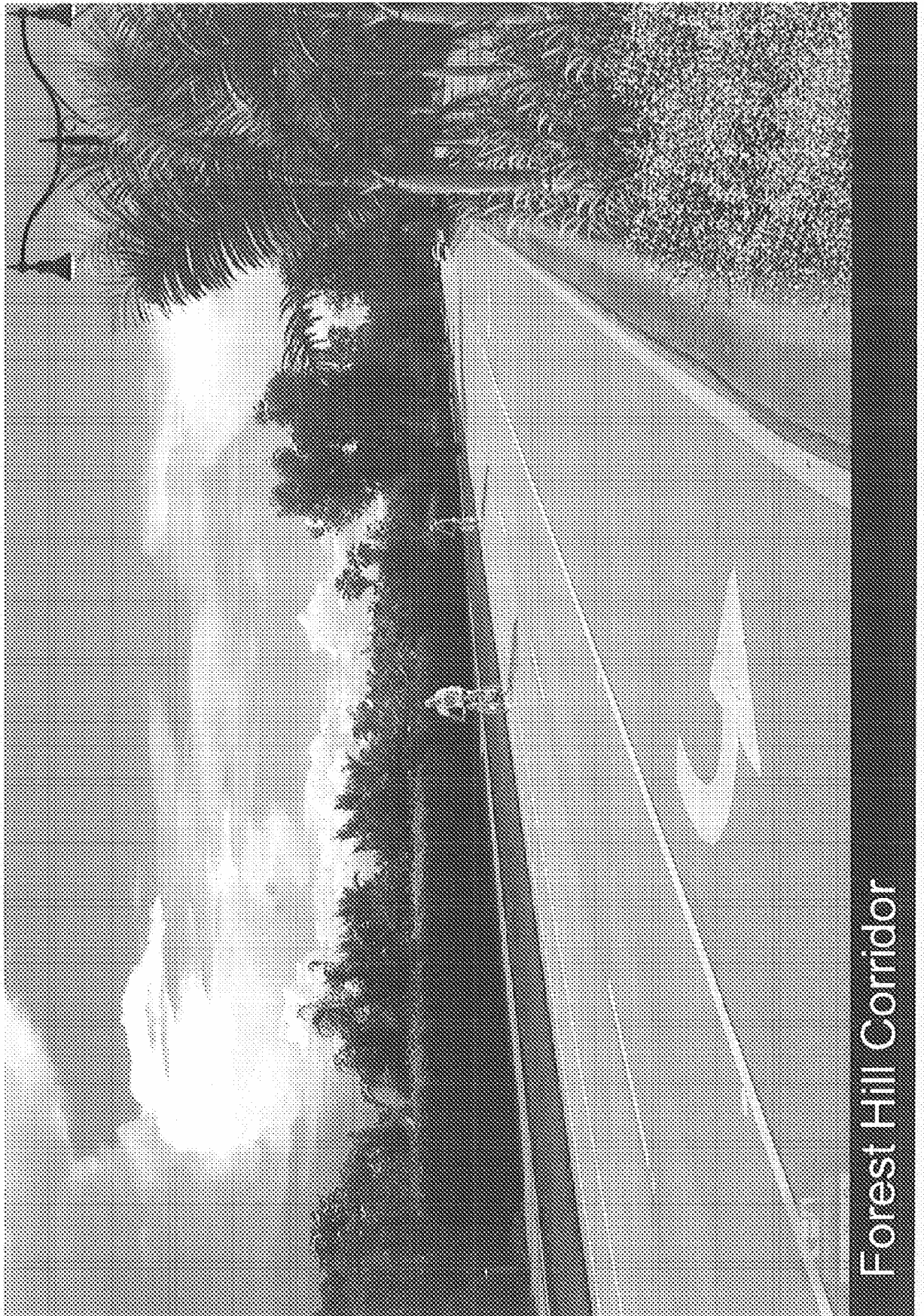




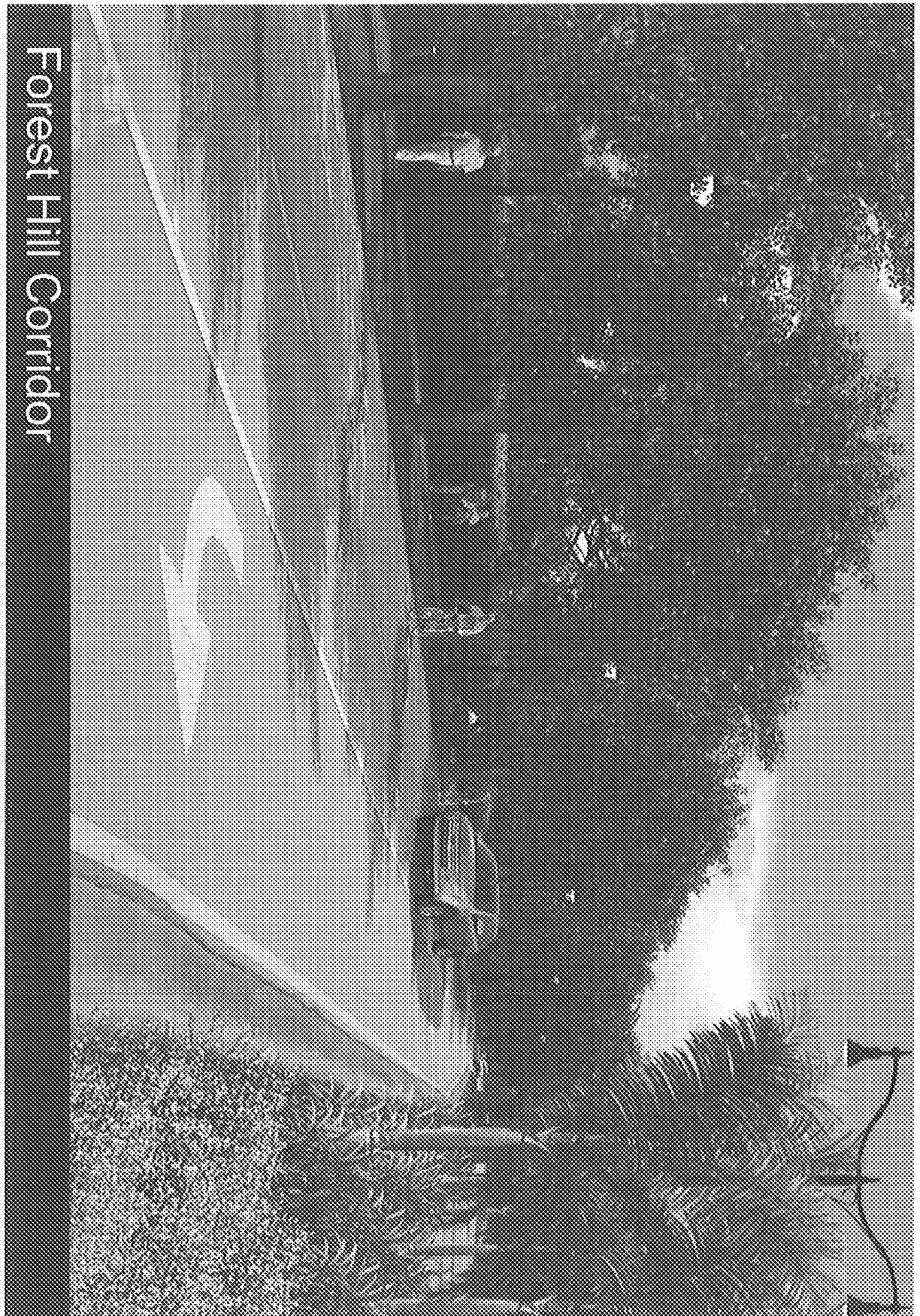




Forest Hill Corridor



Forest Hill Corridor

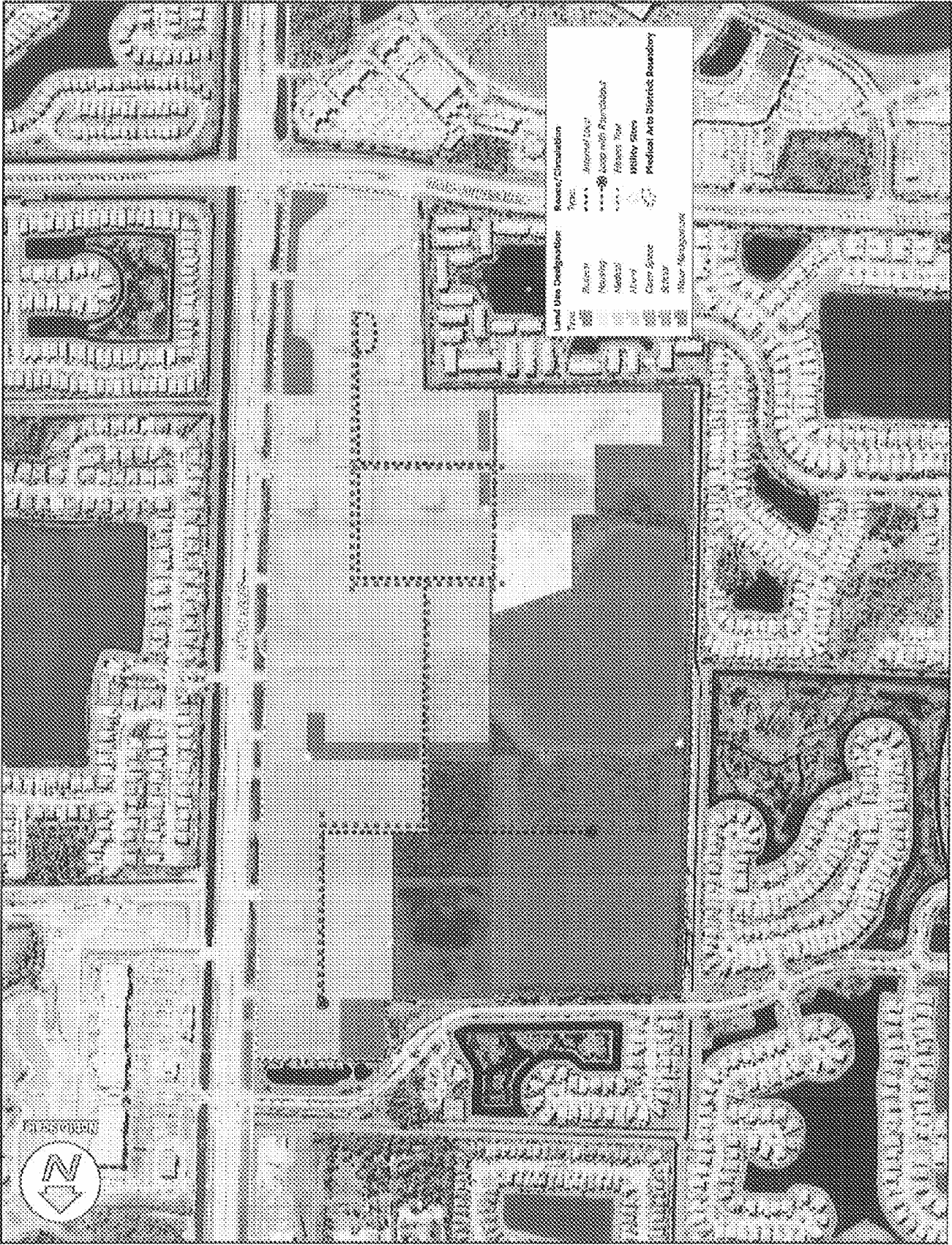


Village of Wellington

Economic Development Initiative Summary

Medical Arts District

June 2009



MEDICAL ARTS DISTRICT USE

Hospital	Daycare – Child / Adult
Medical / Dental / Paramedical Offices (MOB)	Suppliers
Laboratories / Research Facility	Glasses
Medical / Dental Supply Offices	Medical Equipment
Pharmacy	Uniforms
Medical Technician / Nursing School	Dental
Biotech	Shoes
Health Care / Support	Fitness Center
Rehabilitation / Physical Therapy	Florist / Card / Gift Store
✧ Medical CentersSurgical	Restaurants (Limited) / Counter Takeout
✧ Chiropractic	Dry Cleaner
✧ Acupuncture	Educational
✧ MRI / X-Ray	Professional Services
✧ Vision	Medical Billing / Claims
Clinics	Pharmaceutical Sales
	Home Care Staffing
	Medical Transportation

Village of Wellington

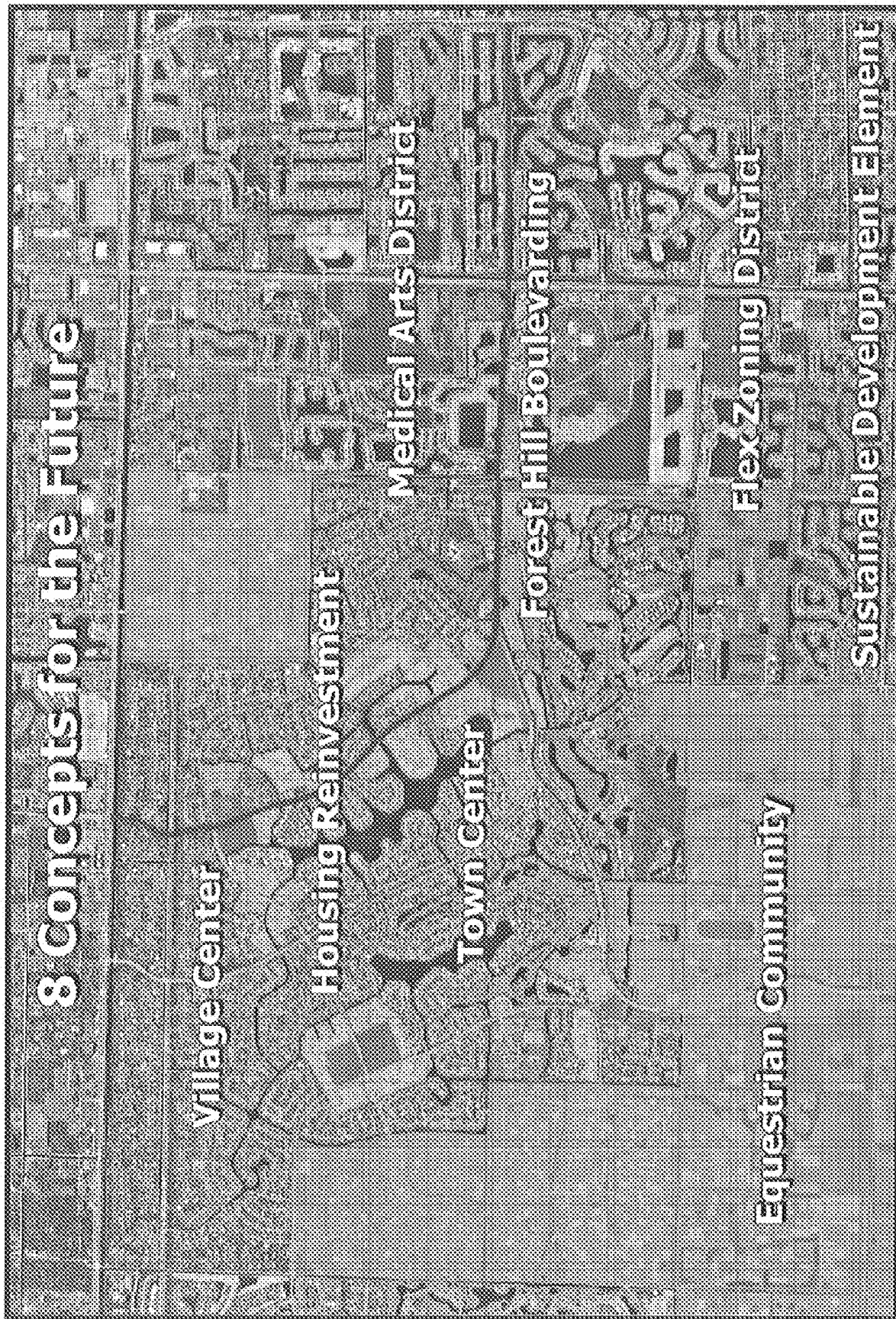
Economic Development Initiative Summary

Flex Zoning

June 2009

Flex Zoning

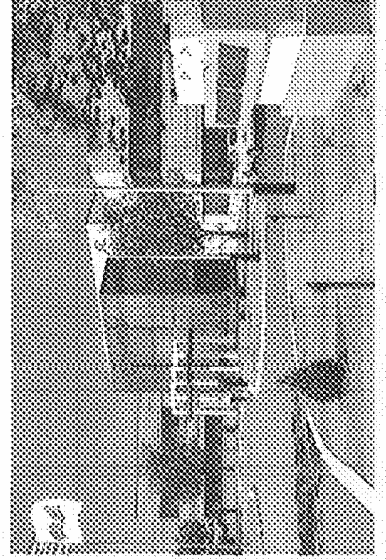
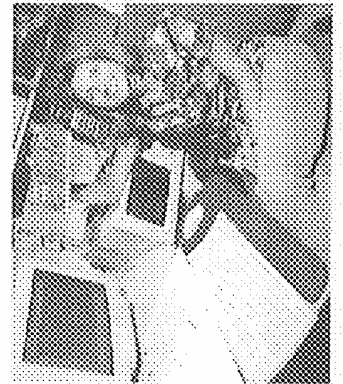
8 Concepts for the Future



Employment within the Village

The Village's goal is to create 3000 new family - sustaining jobs in the next 10 to 15 years.

Flexible Use Employment Centers are expected to play a significant role in meeting that goal.



Highlights of the Expedited Zoning Process

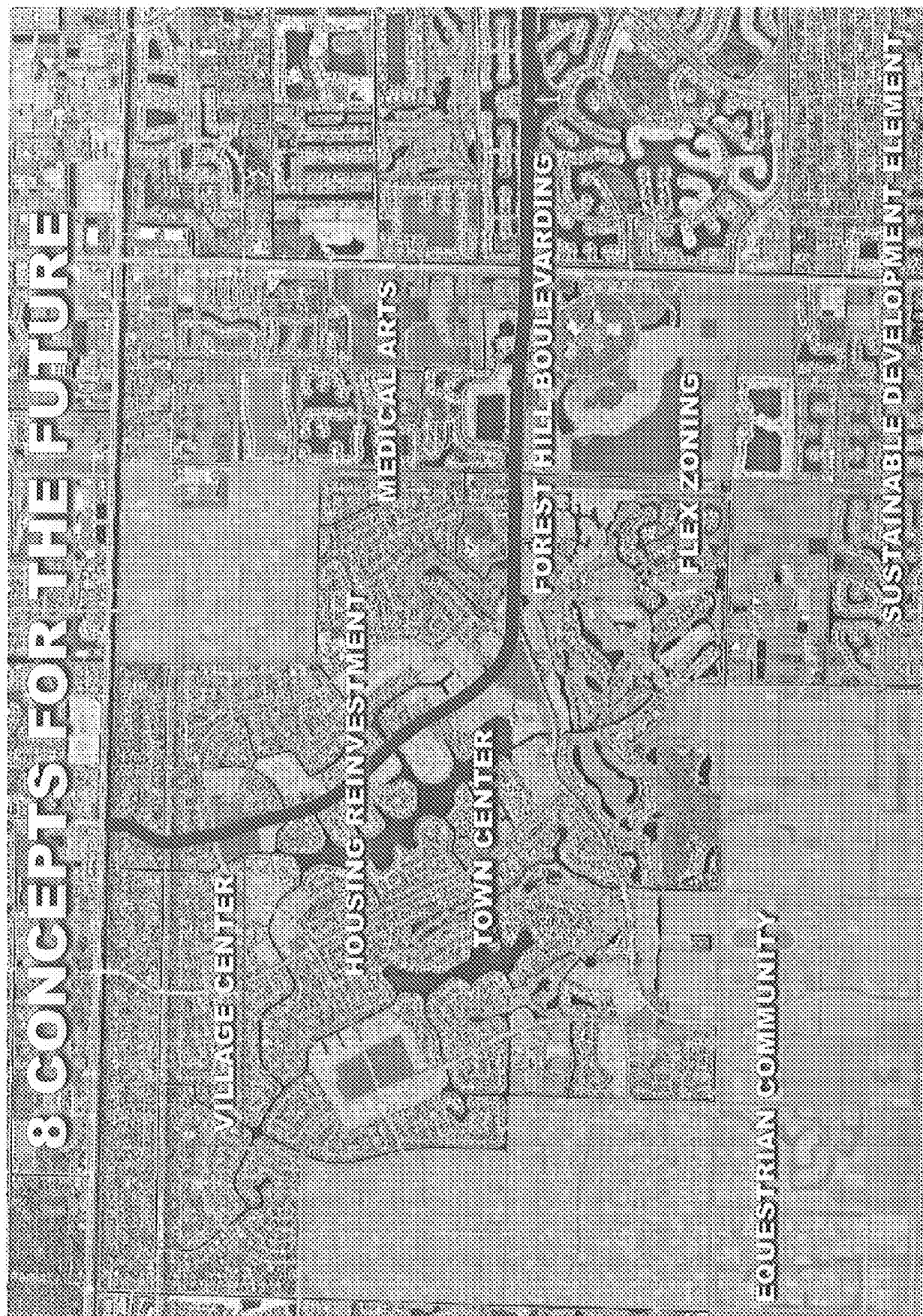
- Employment Center District must first be approved by the Village Council provided the following criteria is met:
 - The proposed business must be on a site with a minimum of 10 acres
 - The proposed business must demonstrate the ability to create at least 25 new employment positions in the Village within the first two years
 - New positions must be considered “value-added” employment (compensation package is 10% higher than the current per capita income level in Palm Beach County)
- Village Manager shall designate a Village employee as a single point of contact who will assist the applicant throughout the review process.
- After an initial pre-application meeting, the Village’s Development Review Committee (DRC) shall review and provide comments relative to the project within five (5) business days of submission of plans by the applicant.
- If major issues arise during the review process, a face-to-face meeting will be held within three (3) business days to find a resolution.
- Most of the uses will be reviewed on a staff level as identified on the Village’s permitted use table.

Village of Wellington

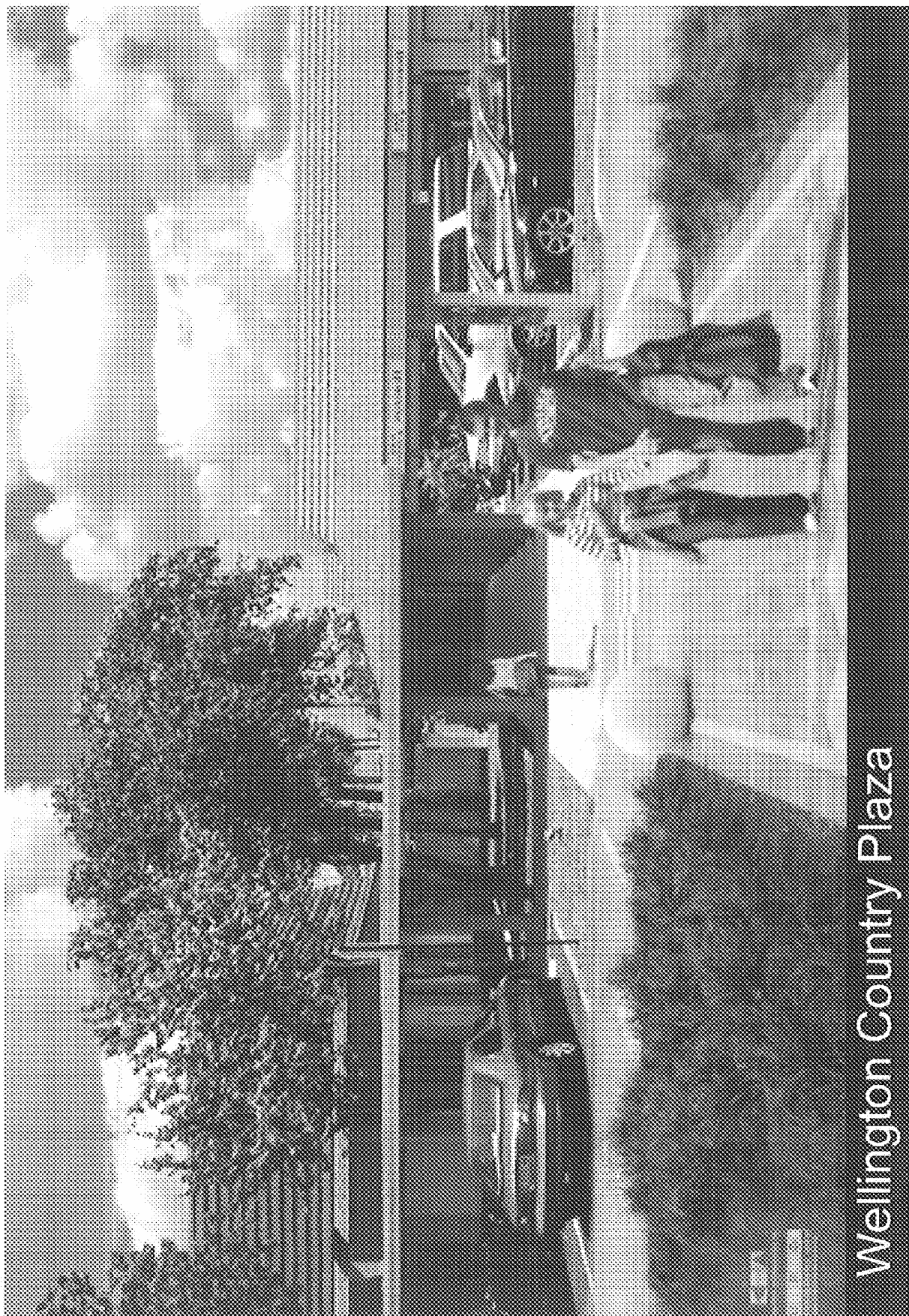
Economic Development Initiative Summary

Village Center Revitalizations

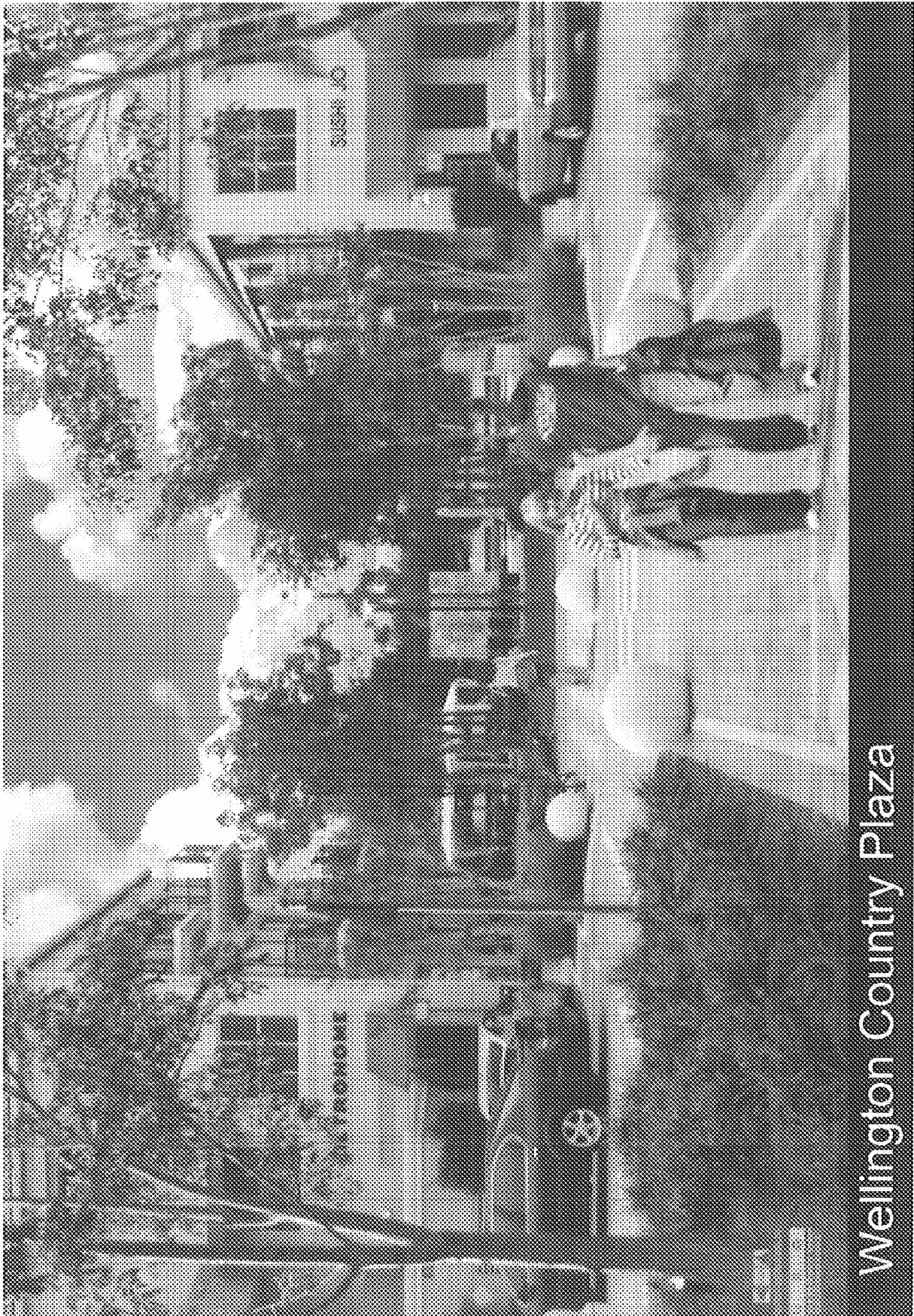
June 2009







Wellington Country Plaza



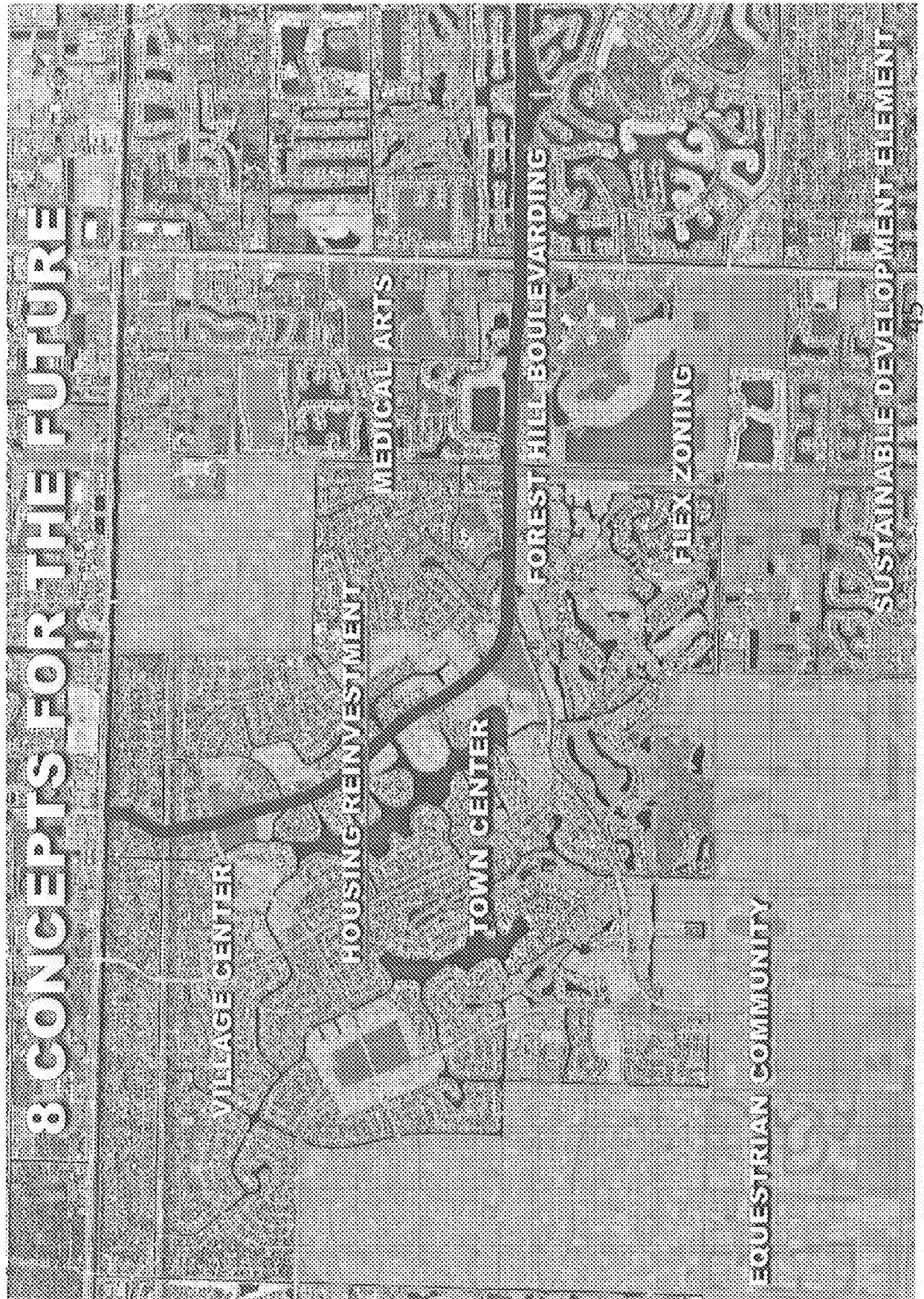
Wellington Country Plaza

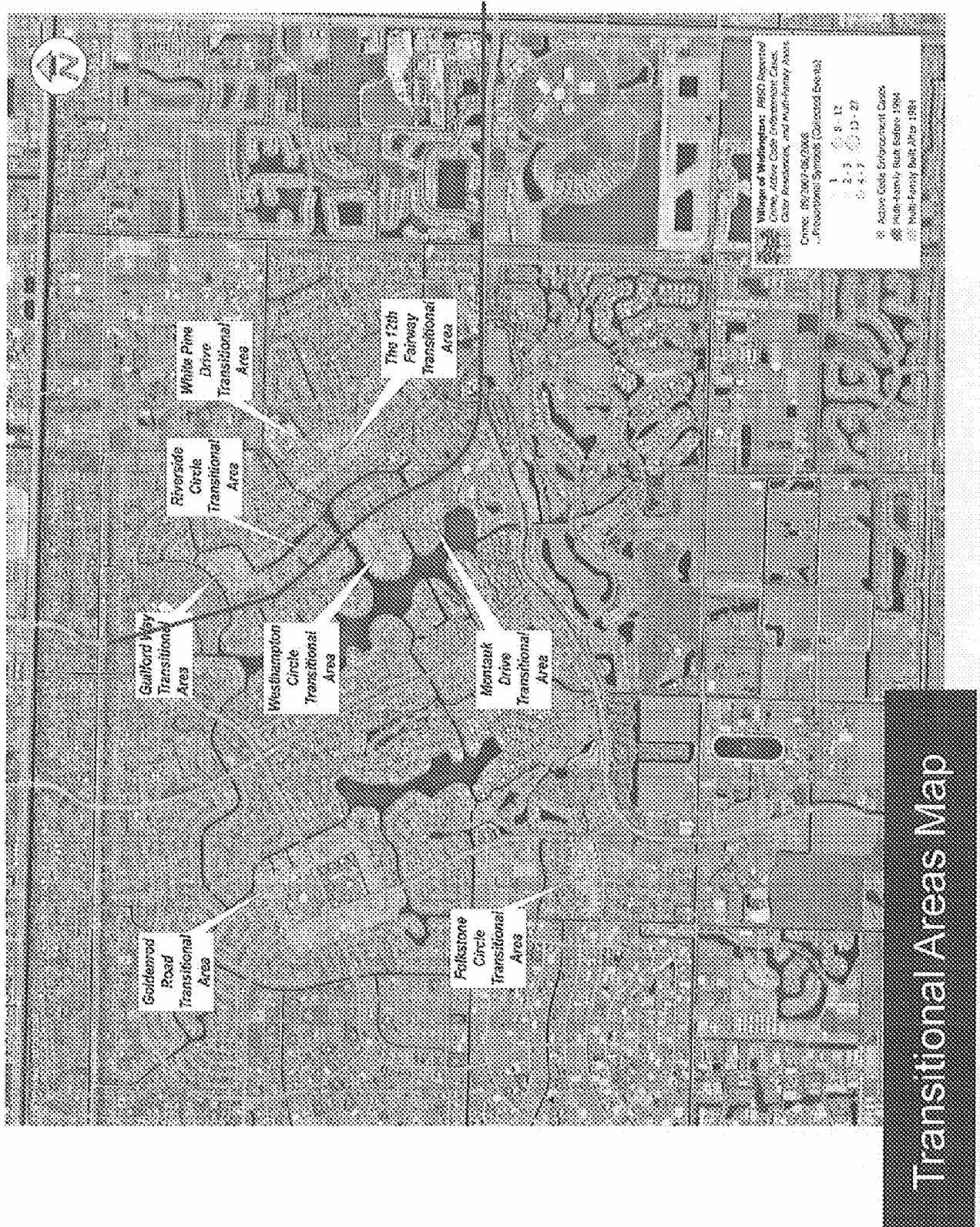
Village of Wellington

Economic Development Initiative Summary

Housing Reinvestment

June 2009







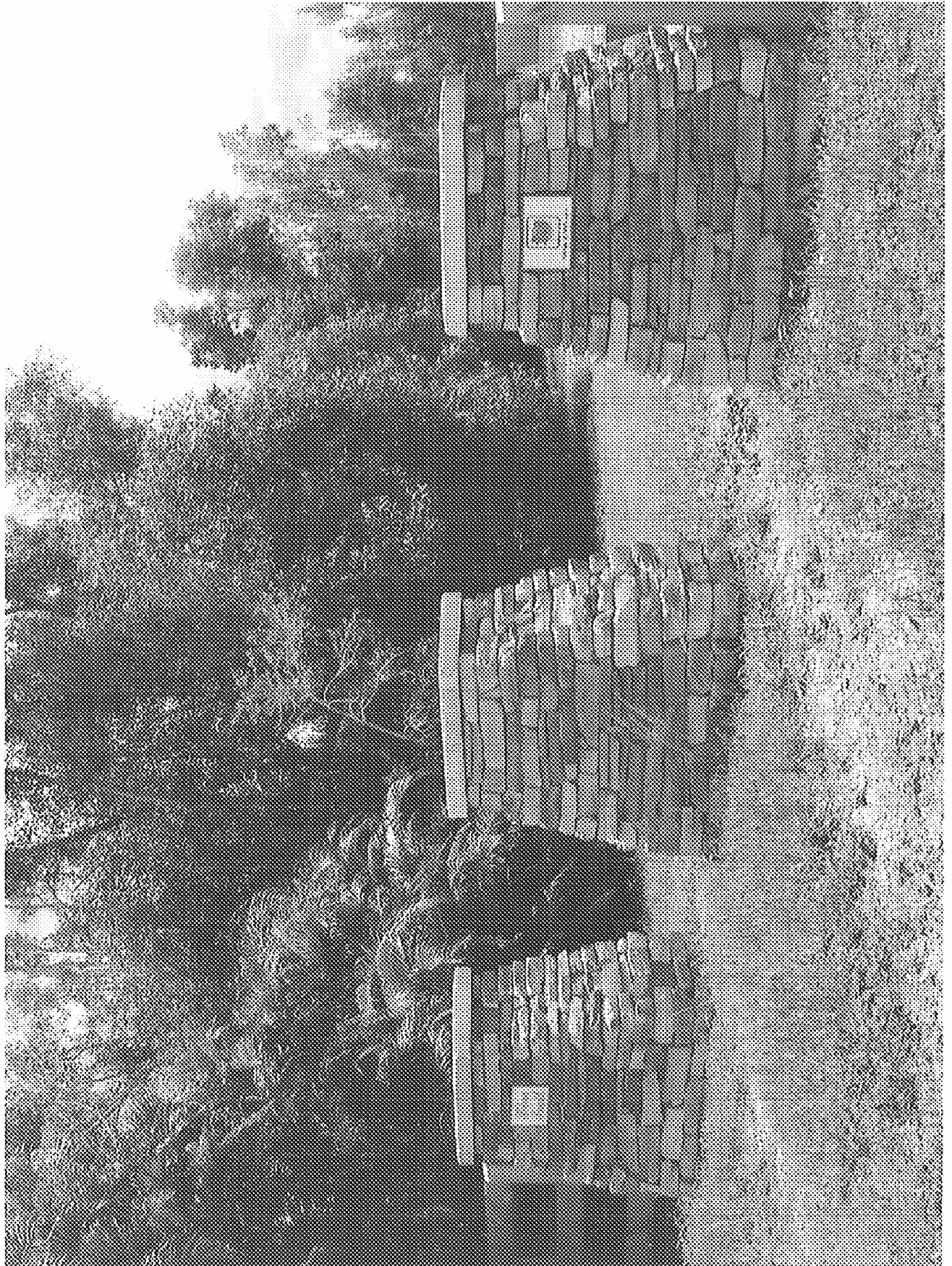
Village of Wellington

Economic Development Initiative Summary

Equestrian Community

June 2009





EDI Goals for Equestrian Community

The EDI Team shall work with the Village Council, the Planning Zoning and Adjustment Board and the Equestrian Preserve Committee to:

- Preserve / Protect / Enhance / Expand the Equestrian Preserve Area through Comprehensive Plan and Land Development Regulations.
- Cultivate beneficial equestrian-related commercial ventures that further the equestrian identity of the Village.
- Work proactively to ensure present equestrian ventures remain in the Village.
- Update the Equestrian Element of the Comprehensive Plan.

Currently, the EDI Team is working with the Equestrian Community:

- Conducting a review of development regulations.
- Working towards an analysis of the economic benefits of the equestrian community on the Village.
- Generating a report of existing trails and proposed improvements.
- Studying existing/proposed equestrian crossings within the Equestrian Preserve Area (EPA).
- Researching traffic calming within the EPA.
- Developing a “branding” for the equestrian community

Village of Wellington

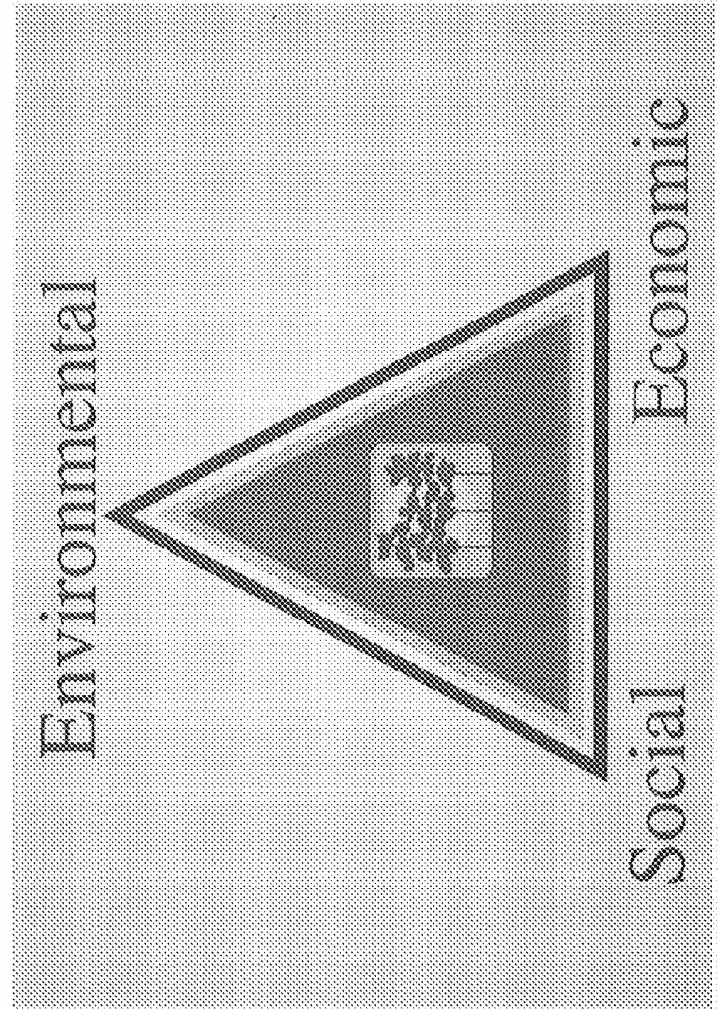
Economic Development Initiative Summary

Sustainable Development Element

June 2009

Sustainable Development for Wellington

Recognizes the interconnectedness between the environment, economy and the community itself



EDI Team is Working to Create a Sustainable Wellington:

- Working with Florida Atlantic University to create a Sustainable Element for Comprehensive Plan.
- Incorporation of changes to the Village's Land Development Regulations and Code of Ordinances.
- Creation of a "Go Green Guide" for the Village.

Economic Development

8 Concepts for the Future

Village Center

Housing Reinvestment

Town Center

Medical Arts District

Forest Hill Boulevarding

Flex Zoning District

Equestrian Community

Sustainable Development Element

8 CONCEPTS

**Thank You
for your
Time and Attention!**

6. A

WELLINGTON VILLAGE COUNCIL AGENDA ITEM SUMMARY

AGENDA ITEM NAME: Approve Use of Renewed Martin County Contract #AR-2008-2142 for Purchase of Sodium Hypochlorite

ACTION REQUESTED: Discussion ☐ Approval ☒

**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐

PUBLIC HEARING: Yes ☐ No ☒

FIRST READING ☐

SECOND READING ☐

REQUEST: Approve renewed use of Martin County Contract #AR-2008-2142 with Allied Universal Corporation for the supply and delivery of sodium hypochlorite. Depending upon actual usage, Village Utility Departments anticipate spending approximately \$195,000 annually for this commodity. Wastewater has budgeted \$18,000 for sodium hypochlorite purchases, while Water Treatment has budgeted \$185,000.

EXPLANATION: Sodium hypochlorite is used by the Wastewater Department to disinfect reuse water before its distribution and it is used by the Water Department as a disinfectant in the production of potable water when the chlorine generation system is not operating. In April 2008, Martin County awarded Contract #AR-2008-2142 to Allied Universal Corporation for the supply and delivery of sodium hypochlorite. The contract resulted from a competitive solicitation awarded by Martin County. At their June 24, 2008 meeting, Council approved "piggyback" use of the contract awarded by Martin County. Since then, the Village has purchased its sodium hypochlorite from Allied Universal. Recently, Martin County and Allied agreed to renew the contract through April 16, 2010. The same terms, conditions, and prices apply to the renewal term as that which applied to the initial contract term. Staff would like the option to continue purchases off the renewed contract, as long as the contract unit price is lower than that found in the open market. If not, open market purchases can be made. A spot check of prices paid by other entities show the price per gallon ranging from \$.698 (Martin County) to \$.718 (City of Oviedo) to \$.750 (St. John's County).

FISCAL IMPACT:

BUDGET

Wastewater Treatment:	401-7020-536.52-35	\$ 18,000
Water Treatment:	401-7010-536.52-35	<u>\$185,000</u>
Total Budget:		\$203,000

CONTRACT AMOUNT: Contingent Upon Actual Usage \$195,000

RECOMMENDATION: Approve renewed use of Martin County Contract #AR-2008-2142 through April 16, 2010 with Allied Universal Corporation for the purchase of sodium hypochlorite, contingent upon appropriation of funding, as presented.

DOUG SMITH
Commissioner, District 1

SUSAN L. VALLIERE
Commissioner, District 2

PATRICK HAYES
Commissioner, District 3

SARAH HEARD
Commissioner, District 4

EDWARD CIAMPI
Commissioner, District 5

DUNCAN BALLANTYNE
County Administrator

STEPHEN FRY
County Attorney

MARTIN COUNTY
BOARD OF COUNTY COMMISSIONERS
2401 S.E. MONTEREY ROAD • STUART, FL 34996

Telephone: 772-419-6946
Fax: 772-288-5414
Email: mkittell@martin.fl.us

January 22, 2009

Ms. Catherine Guillarmod
Allied Universal Corp
3901 NW 115 Ave
Miami, FL 33178

RE: Annual Agreement for Chemicals for Treatment Plants and Landfill
Chlorine Gas, Chlorine Liquid, Caustic 50% and 25% and 38% Hydro Acid
AR 2008-2142

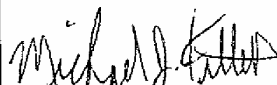
Dear Ms. Guillarmod:

The referenced agreement to provide Chemicals for Treatment Plants and Landfill Chlorine Gas, Chlorine Liquid, Caustic 50% and 25 % and 38% Hydro Acid expires on April 16, 2009. The agreement contains provisions for renewal options if both parties are in agreement and there are no changes to the terms and conditions.

Martin County would like to renew this agreement for the next twelve month period beginning April 17, 2009 through April 16, 2010. If Allied Universal Corp is in agreement, please sign the attached renewal form and return to the Purchasing Division by February 5, 2009.

Your cooperation is sincerely appreciated. Please do not hesitate to contact me at (772) 419-6946

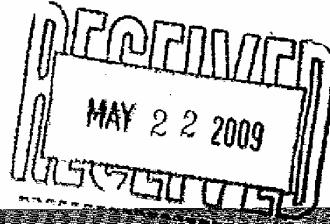
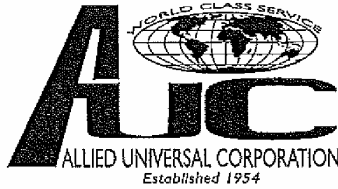
Sincerely,


Michael J. Kittell
Contract Coordinator

TELEPHONE
772-288-5400

WEB ADDRESS
<http://www.martin.fl.us>

*Review completed in
system 1/28/09
WJ*



3901 NW 115 Avenue
Miami, Florida 33178
305-888-2623 office
305-463-8369 fax

March 20, 2009

Village of Wellington
14000 Greenbrier
Wellington, FL 33414
Attn: Jim Volkman

FAX: 561-791-4045

Dear Jim:

Per earlier conversations the Village of Wellington had an interest to piggyback on a contract that would give them a very competitive price and eliminate the need to go out for Bid. The following is the information on the Martin County Bid that will accomplish what we discussed. Sodium Hypochlorite Bid Number AR-2008-2142.

Sodium Hypochlorite Bulk \$.698/gal (Full truckloads 4600 gallons)

Please make a note as to your expected volume of Bleach to be included so we may get the proper guarantee for raw materials and price protection for your facility. 175,000 Gallons.

Martin County Bid Contract has been renewed for one year, starting April 17, 2009 through April 16, 2010.

If you are in agreement with this, and wish to be included in this contract, please indicate this acceptance by signing below and faxing a copy back to my attention. If needed, please send us your standard approval contract stating this change. If approval must be submitted to your City Council for final approval, we will accept a letter of intent, notifying us that this has been approved locally and final approval will be given at your next City Council Meeting. Please fax back a notice of your intent no later than April 5, 2009.

We have enjoyed working with you in the past and look forward to our continued business relationship

Respectfully,

ALLIED UNIVERSAL CORP.
Bernie Greenberg
Bernie Greenberg
Regional Sales Manager

Village of Wellington

cc: Jim Palmer ✓
Carlos Fernandez

6. B

WELLINGTON VILLAGE COUNCIL AGENDA ITEM SUMMARY

AGENDA ITEM NAME: Approve Extended Use of Southeast Florida Governmental Purchasing Cooperative Contract #572-9726-1 for Purchase of Irrigation Supplies

ACTION REQUESTED: Discussion ☐ Approval ☒

**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐

PUBLIC HEARING: Yes ☐ No ☒

FIRST READING ☐

SECOND READING ☐

REQUEST: Approve Village use of Contract #572-9726-4 for the purchase of irrigation supplies, which has recently been extended by the Southeast Florida Governmental Purchasing Cooperative. Depending upon actual usage, the Village anticipates spending over \$25,000 annually for irrigation supplies. In the current fiscal year, Landscape Maintenance has budgeted \$85,000 in materials and supplies (001-2050-539.52-01) for both irrigation and lighting purchases.

EXPLANATION: Irrigation systems have been installed throughout Wellington along roadways, within parks, and within the grounds of other Village facilities. Periodically, parts are required to expand, maintain or repair existing systems and install new systems. One of the most cost effective sources for the purchase of irrigations supplies by the Village is Southeast Florida Governmental Purchasing Cooperative Contract #572-9726-4. The Cooperative was formed in order to provide cost savings and cost avoidances by utilizing the buying power of combined requirements for common, basic items. Twenty-six (26) governmental entities currently participate in the Coop. City of Fort Lauderdale acted as the lead agency for the Coop to let the bid for irrigation supplies. Melrose Supply and Sales, Professional Supply, Boynton Pump and Irrigation Supply, HD Supply Waterworks, and Florida Irrigation Supply were awarded contracts, which expire on 7/1/2009. Each vendor was given the award for particular items of supplies for which they provided the largest percent discount off manufacturer's list prices. The discount given by each vendor varies from one item to another, but falls within the ranges illustrated below:

VENDOR	DISCOUNT
Melrose Supply	35% - 56%
Professional Supply	54%
Boynton Pump	35.5% - 61.2%
HD Supply	53% - 74%
Florida Irrigation	49% - 72%

Council approved the initial use of the contract, through July 1, 2009, at their June 24, 2008 meeting. Since that time, the Village has been making purchases from contract vendors. Recently, City of Ft. Lauderdale, acting on behalf of the Coop, extended the contract for another year, through July 1, 2010. Staff recommends that the Village be allowed to participate in the contract extension. During the extension term, discount percentages remain unchanged from the previous year. The option is retained to purchase in the open market if found advantageous for the Village to do so. Regardless, staff would like to retain the ability to purchase off the Coop contract if it can provide the lowest prices.

FISCAL IMPACT: The FY 2008-2009 Landscape Maintenance budget has funds allocated in GL 001-2050-539.52-01 for irrigation and lighting as follows:

Irrigation and Lighting Supplies	\$ 35,000.00
Parks Irrigation Supplies and Equipment	\$ 50,000.00
TOTAL	\$ 85,000.00
Projected Expenditures	\$ 75,000.00

RECOMMENDATION: Approve the extended use of Southeast Florida Governmental Purchasing Cooperative Contract #572-9726-4 through July 1, 2010 for the purchase of irrigation supplies, contingent upon appropriation of funding, as presented.



City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, Rm. 619 • Fort Lauderdale, FL 33301
954-828-5933 Fax 954-828-5576
purchase@fortlauderdale.gov

May 26, 2009

Melrose Supply and Sales Corp.
Attn: John Howard
271 East Oakland Park Blvd.
Fort Lauderdale, FL 33334

**RE: Contract Extension/Contract No. 572-9726-4
Irrigation Supplies**

Dear Ms. Solivan:

The one-year extension of the contract noted above was approved at the Commission Conference meeting on April 21, 2009, Item MD-05. The revised contract expiration date will be **July 1, 2010**.

The terms, conditions and specifications of this contract will remain in effect during the one-year extension period, including insurance and/or performance bond coverage requirements.

If insurance is required for this contract, you should review your expiration date(s) at this time to insure that your coverage is current and provide this office with an updated certificate.

We hope this will continue to be a rewarding and profitable business relationship.

Sincerely,

A handwritten signature in cursive script, reading "C. L. Keohane".

Carrie L. Keohane
Procurement Specialist I

Feb 03 2009 8:41AM

Melrose Supply

9545618732

p.1

Received at

Jan 31 2009 3:11PM

Fax Station

Melrose Supply

0

01/30/09 14:39 FAX 954 828 5578

CITY OF FT. LAUD., PURCH.

001/001



City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, #819 • Fort Lauderdale, Florida 33301
www.fortlauderdale.gov/purchasing

January 30, 2009

Melrose Supply and Sales Corp.
Attn: John Howard
271 East Oakland Park Blvd.
Fort Lauderdale, FL 33334

Fax 954-561-8732

Dear Mr. Howard:

Contract 572-9726-4 for Irrigation Supplies expires on July 1, 2009 and has a provision for renewal under the original terms, conditions and specifications for additional one-year extensions. This would constitute the second of four possible contract extension options.

NOTE: The purpose of this letter is to determine your desire to this renewal provision. This inquiry does not constitute an extension or renewal of this contract.

Someone with authorization to sign for your company must place their signature where indicated. **THE FORM SIGNOR MUST BE AN OFFICER OF THE COMPANY OR YOU MUST PROVIDE A DOCUMENT FROM AN OFFICER OF THE COMPANY, THAT AUTHORIZES THOSE LISTED TO SIGN ON THEIR BEHALF.** Only the signature of an authorized officer or someone authorized to bind your company will be accepted.

Your response must be received no later than 5:00 p.m., 2/6/09. Fax or email response will be accepted, (954) 828-5578 or ckeohane@fortlauderdale.gov. Failure to respond will be deemed as evidence that your firm is no longer interested in requesting its option to renew this contract.

Your cooperation in this matter is appreciated. For further information please contact Procurement Specialist, AnnDebra Diaz at 954-828-5949 or email Adiaz@fortlauderdale.gov

YES: We offer to renew this contract under the original terms, conditions and specifications for (1) year.

Authorized Signature

Title

NO: We do not wish to renew this contract for the following reasons:

Name:

Title:



City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, Rm. 619 • Fort Lauderdale, FL 33301
954-828-5933 Fax 954-828-5576
purchase@fortlauderdale.gov

May 26, 2009

Florida Irrigation Supply, Inc.
Attn: T.J. Jones
300 Central Park Drive
Sanford, FL 32771

**RE: Contract Extension/Contract No. 572-9726-1
Irrigation Supplies**

Dear Mr. Jones:

The one-year extension of the contract noted above was approved at the Commission Conference meeting on April 21, 2009, Item MD-05. The revised contract expiration date will be **July 1, 2010**.

The terms, conditions and specifications of this contract will remain in effect during the one-year extension period, including insurance and/or performance bond coverage requirements.

If insurance is required for this contract, you should review your expiration date(s) at this time to insure that your coverage is current and provide this office with an updated certificate.

We hope this will continue to be a rewarding and profitable business relationship.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Keohane".

Carrie L. Keohane
Procurement Specialist I

05/26/2009 07:50

Florida Irrigation Supply

(FAX) 407 995 9793

P.001/001

05/14/09 08:31 FAX 954 828 5576

CITY OF FL. LAUD. PURCH.



City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, #619 • Fort Lauderdale, Florida 33301
www.fortlauderdale.gov/purchasing

May 14, 2009

Florida Irrigation Supply, Inc.
Attn: T.J. Jones
300 Central Park Drive
Sanford, FL 32771

Fax: 407-995-9793

Dear Mr. Jones:

Contract 572-9726-1 for Irrigation Supplies expires on 7/1/09 and has a provision for renewal under the original terms, conditions and specifications for additional one-year extensions. This would constitute the second of four possible contract extension options.

NOTE: The purpose of this letter is to determine your desire to this renewal provision. This inquiry does not constitute an extension or renewal of this contract.

Someone with authorization to sign for your company must place their signature where indicated. **THE FORM SIGNOR MUST BE AN OFFICER OF THE COMPANY OR YOU MUST PROVIDE A DOCUMENT FROM AN OFFICER OF THE COMPANY, THAT AUTHORIZES THOSE LISTED TO SIGN ON THEIR BEHALF.** Only the signature of an authorized officer or someone authorized to bind your company will be accepted.

Your response must be received no later than 5:00 p.m., 5/8/09. Fax or email response will be accepted, (954) 828-5576 or ckeohane@fortlauderdale.gov. Failure to respond will be deemed as evidence that your firm is no longer interested in requesting its option to renew this contract.

Your cooperation in this matter is appreciated. For further information please contact Procurement Specialist, Ann Debra Diaz at 954-828-5949 or email Adlaz@fortlauderdale.gov

YES: We offer to renew this contract under the original terms, conditions and specifications for (1) year.

T.J. Jones
Authorized Signature

Operations Manager
Title

NO: We do not wish to renew this contract for the following reasons:

Name:

Title:



City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, Rm. 619 • Fort Lauderdale, FL 33301
954-828-5933 Fax 954-828-5576
purchase@fortlauderdale.gov

May 26, 2009

HD Supply Waterworks, Ltd.
Attn: Ervin Gary
832 Pike Road
West Palm Beach, FL 33441

**RE: Contract Extension/Contract No. 572-9726-2
Irrigation Supplies**

Dear Mr. Gary:

The one-year extension of the contract noted above was approved at the Commission Conference meeting on April 21, 2009, Item MD-05. The revised contract expiration date will be **July 1, 2010**.

The terms, conditions and specifications of this contract will remain in effect during the one-year extension period, including insurance and/or performance bond coverage requirements.

If insurance is required for this contract, you should review your expiration date(s) at this time to insure that your coverage is current and provide this office with an updated certificate.

We hope this will continue to be a rewarding and profitable business relationship.

Sincerely,

A handwritten signature in cursive script, reading "C. Keohane".

Carrie L. Keohane
Procurement Specialist I



Feb. 12, 2009 5:08PM

No. 0959 P. 1



City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, #619 • Fort Lauderdale, Florida 33301
www.fortlauderdale.gov/purchasing

January 30, 2009

HD Supply Waterworks, Ltd.
Attn: Ervin Gary
832 Pike Road
West Palm Beach, FL 33441

Fax 561-616-0659

Dear Mr. Gary:

Contract 572-9726-2 for Irrigation Supplies expires on July 1, 2009 and has a provision for renewal under the original terms, conditions and specifications for additional one-year extensions. This would constitute the second of four possible contract extension options.

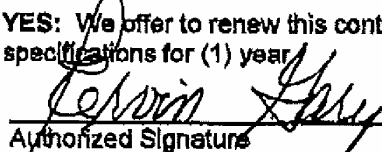
NOTE: The purpose of this letter is to determine your desire to this renewal provision. This inquiry does not constitute an extension or renewal of this contract.

Someone with authorization to sign for your company must place their signature where indicated. **THE FORM SIGNOR MUST BE AN OFFICER OF THE COMPANY OR YOU MUST PROVIDE A DOCUMENT FROM AN OFFICER OF THE COMPANY, THAT AUTHORIZES THOSE LISTED TO SIGN ON THEIR BEHALF.** Only the signature of an authorized officer or someone authorized to bind your company will be accepted.

Your response must be received no later than 5:00 p.m., 2/8/09. Fax or email response will be accepted, (954) 828-5576 or ckeohane@fortlauderdale.gov. Failure to respond will be deemed as evidence that your firm is no longer interested in requesting its option to renew this contract.

Your cooperation in this matter is appreciated. For further information please contact Procurement Specialist, AnnDebra Diaz at 954-828-5949 or email Adiaz@fortlauderdale.gov

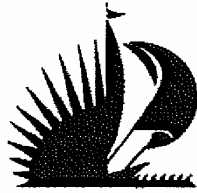
YES: We offer to renew this contract under the original terms, conditions and specifications for (1) year.


Authorized Signature
Title

NO: We do not wish to renew this contract for the following reasons:

Name:

Title:



City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, Rm. 619 • Fort Lauderdale, FL 33301
954-828-5933 Fax 954-828-5576
purchase@fortlauderdale.gov

May 26, 2009

Kilpatrick Company, Inc. dba/ Boynton Pump
& Irrigation Supply
Attn: Adrian Solivan
3314 SW 49 Way
Fort Lauderdale, FL 33314

**RE: Contract Extension/Contract No. 572-9726-3
Irrigation Supplies**

Dear Ms. Solivan:

The one-year extension of the contract noted above was approved at the Commission Conference meeting on April 21, 2009, Item MD-05. The revised contract expiration date will be **July 1, 2010**.

The terms, conditions and specifications of this contract will remain in effect during the one-year extension period, including insurance and/or performance bond coverage requirements.

If insurance is required for this contract, you should review your expiration date(s) at this time to insure that your coverage is current and provide this office with an updated certificate.

We hope this will continue to be a rewarding and profitable business relationship.

Sincerely,

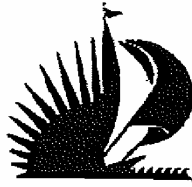
A handwritten signature in black ink, appearing to read "C. Keohane".

Carrie L. Keohane
Procurement Specialist I



Mar. 19, 2009 8:02AM BOYNTON PUMP #3 CITY OF FT. LAUD. PURCH.

No. 9832 P. 2/21/001



City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, #619 • Fort Lauderdale, Florida 33301
www.fortlauderdale.gov/purchasing

January 30, 2009

3/16/09

SECOND

Kilpatrick Company, Inc. dba/ Boynton Pump & Irrigation Supply
Attn: ~~Dustin Hoffman~~ *Adrian Solivan*
3314 SW 49 Way
Fort Lauderdale, FL 33314

Fax 954-791-0687

Dear Mr. Hoffman

Contract 572-9726-3 for Irrigation Supplies expires on July 1, 2009 and has a provision for renewal under the original terms, conditions and specifications for additional one-year extensions. This would constitute the second of four possible contract extension options.

NOTE: The purpose of this letter is to determine your desire to this renewal provision. This inquiry does not constitute an extension or renewal of this contract.

Someone with authorization to sign for your company must place their signature where indicated. THE FORM SIGNOR MUST BE AN OFFICER OF THE COMPANY OR YOU MUST PROVIDE A DOCUMENT FROM AN OFFICER OF THE COMPANY, THAT AUTHORIZES THOSE LISTED TO SIGN ON THEIR BEHALF. Only the signature of an authorized officer or someone authorized to bind your company will be accepted.

Your response must be received no later than 5:00 p.m., 2/6/09. Fax or email response will be accepted, (954) 828-5576 or ckeohane@fortlauderdale.gov. Failure to respond will be deemed as evidence that your firm is no longer interested in requesting its option to renew this contract.

Your cooperation in this matter is appreciated. For further information please contact Procurement Specialist, AnnDebra Diaz at 954-828-5949 or email Adiaz@fortlauderdale.gov

YES: We offer to renew this contract under the original terms, conditions and specifications for (1) year.

Authorized Signature

Title

NO: We do not wish to renew this contract for the following reasons:

Name:

Title:

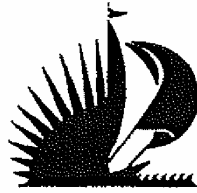
KILPATRICK
Irrigation and Landscape Products

Adrian Solivan
Store Manager

3314 SW 49th Way, #3 Ft. Lauderdale, Florida 33314
(954) 791-1984 FAX (954) 791-0687 (800) 782-7399
USA 33314
Cell (954) 914-9464

asolivan@kilpatrickco.com

New Contract →



City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, Rm. 619 • Fort Lauderdale, FL 33301
954-828-5933 Fax 954-828-5576
purchase@fortlauderdale.gov

May 26, 2009

Professional Pump Corp., dba/Professional Supply
Attn: Ardsley Donnelly
500 NW 77 Street
Boca Raton, FL 33467

**RE: Contract Extension/Contract No. 572-9726-5
Irrigation Supplies**

Dear Mr. Donnelly:

The one-year extension of the contract noted above was approved at the Commission Conference meeting on April 21, 2009, Item MD-05. The revised contract expiration date will be July 1, 2010.

The terms, conditions and specifications of this contract will remain in effect during the one-year extension period, including insurance and/or performance bond coverage requirements.

If insurance is required for this contract, you should review your expiration date(s) at this time to insure that your coverage is current and provide this office with an updated certificate.

We hope this will continue to be a rewarding and profitable business relationship.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Keohane".

Carrie L. Keohane
Procurement Specialist I

Mar 16 2009 3:30PM

HP LASERJET FAX

5612412456

p. 1

Received Fax : Mar 16 2009 12:14PM Fax Station : HP LASERJET FAX

03/16/09 12:18 FAX 954 828 5576

CITY OF FT. LAUD. PURCH.

0001



City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, #819 • Fort Lauderdale, Florida 33301
www.fortlauderdale.gov/purchasing

March 16, 2009

Professional Pump Corp., dba/Professional Supply
Attn: Ardsley Donnelly
500 NW 77 Street
Boca Raton, FL 33487

Fax 561-241-2458

Dear Mr. Donnelly:

Contract 572-8726-6 for Irrigation Supplies expires on July 1, 2009 and has a provision for renewal under the original terms, conditions and specifications for additional one-year extensions. This would constitute the second of four possible contract extension options.

NOTE: The purpose of this letter is to determine your desire to this renewal provision. This inquiry does not constitute an extension or renewal of this contract.

Someone with authorization to sign for your company must place their signature where indicated. **THE FORM SIGNOR MUST BE AN OFFICER OF THE COMPANY OR YOU MUST PROVIDE A DOCUMENT FROM AN OFFICER OF THE COMPANY, THAT AUTHORIZES THOSE LISTED TO SIGN ON THEIR BEHALF.** Only the signature of an authorized officer or someone authorized to bind your company will be accepted.

Your response must be received no later than 5:00 p.m., 3/23/09. Fax or email response will be accepted, (954) 828-5576 or ckeohane@fortlauderdale.gov. Failure to respond will be deemed as evidence that your firm is no longer interested in requesting its option to renew this contract.

Your cooperation in this matter is appreciated. For further information please contact Procurement Manager Michael Walker at 954-828-5677 or email Mwalker@fortlauderdale.gov

YES: We offer to renew this contract under the original terms, conditions and specifications for (1) year.

Authorized Signature

Title

NO: We do not wish to renew this contract for the following reasons:

Name:

Title:

6. C

**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY****AGENDA ITEM NAME:** Approve Renewal of Bid Award for Purchase and Delivery of Metal Culverts**ACTION REQUESTED:** Discussion ☐ Approval ☒**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐**PUBLIC HEARING:** Yes ☐ No ☒**FIRST READING** ☐**SECOND READING** ☐

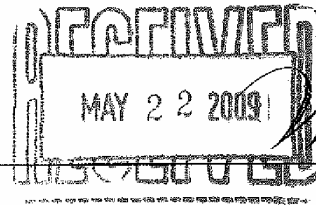
REQUEST: Approve renewing bid award for Purchase and Delivery of Metal Culverts, Bid #019-08/RJB to Metal Culverts, Inc. and Contech Construction Products, Inc. This bid award is used by Surface Water Management for repairing metal culverts on an "as-needed" basis. Funding is available in the FY2008/2009 Surface Water Management budget in the amount of \$351,968. At time of purchase Surface Water Management will compare the bid prices to obtain the best value for the related project.

EXPLANATION: On April 22, 2008 Council awarded Purchase and Delivery of Metal Culverts, Bid #019-08/RJB to multiple suppliers (Metal Culverts Inc. and Contech Construction Products, Inc.). The bid was awarded as a one year contract with provision for two (2) additional one year renewals. The Village has been satisfied with the products and services offered by the vendors and requested the vendors to renew the awards for another year with the same terms, conditions, and pricing. The vendors, Metal Culverts Inc. and Contech Construction Products have agreed to a one year renewal pending Council action. The renewal period would be for April 22, 2009 through April 21, 2010.

The metal culverts are repaired throughout the Village on an as-needed basis. Many of the metal culverts are made from galvanized metal and the metal culverts are made from aluminum. As the need occurs to replace the metal culverts the newer aluminum metal culverts will be installed. The metal culverts are generally under the roads that keeps the surface water flowing. The bid will provide a source for purchase as replacements, and/or emergencies, occur with the metal culverts.

FISCAL IMPACT: Funds for this commodity is allocated in the FY2008/2009 Surface Water Management budget, Account #301-2010-538.65-06, Project #201002 with a remaining balance of \$351,968. Work on metal culverts will be completed on an "as-needed" basis as funded and this bid award will provide the sources for the purchases to obtain best value.

RECOMMENDATION: Staff recommends renewing the bid awards for Purchase and Delivery of Metal Culverts, Bid #019-08/RJB to Metal Culverts Inc. and Contech Construction Products, Inc., with the same terms, conditions, and pricing contingent upon legal approval as presented.



THE VILLAGE OF
ELLINGTON

Village Council
Darell Bowen, Mayor
Dr. Carmine A. Priore, Vice Mayor
Lizbeth Benacquisto, Councilwoman
Matt Willhite, Councilman
Howard K. Coates, Jr., Councilman

Village Manager
Paul Schofield

May 15, 2009

SENT VIA E-MAIL

Mr. Michael L. Rackers
Metal Culverts, Inc.
P.O. Box 330
Jefferson City, Missouri 65102

RE: Renewal of Bid Award for "Purchase/Delivery of Metal Culverts", Bid #019-08/RJB

Dear Mr. Rackers:

On April 22, 2008 our Village Council awarded multiple suppliers for the Purchase/Delivery of Metal Culverts, RFP #019-08/RJB. Your company, Metal Culverts, Inc. was one of the companies awarded. The initial term of the bid award was April 22, 2008 thru April 21, 2009 with provision for two (2) additional one year renewals with the same terms and conditions.

Inasmuch as the term of the initial bid award expired on April 21, 2009, the Village of Wellington is wishing to exercise the first additional one year renewal to extend this bid award through April 21, 2010. If you concur, please sign below and return to my attention as soon as possible.

I want to thank you for all of the service you and your company have provided in the past and the Village looks forward to your continued service.

Please sign below and return to my attention. If you have any questions in regards to this transmittal please contact me at (561) 791-4794.

Sincerely,

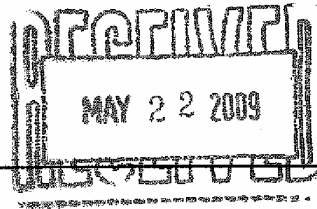
Bill M. Atkins
Purchasing Manager

☒ Agree to renew thru April 21, 2010.

☐ Do not want to renew.

5/18/09
Signature Date

MICHAEL L. RACKERS
Print Name



Village Council
Darell Bowen, Mayor
Dr. Carmine A. Priore, Vice Mayor
Lizbeth Benacquisto, Councilwoman
Matt Willhite, Councilman
Howard K. Coates, Jr., Councilman

Village Manager
Paul Schofield

May 15, 2009

SENT VIA E-MAIL

Mr. William M. Burnette
CONTECH Construction Products, Inc.
8250 62nd Street North
Pinellas Park, Florida 33781

RE: Renewal of Bid Award for "Purchase/Delivery of Metal Culverts", Bid #019-08/RJB

Dear Mr. Burnette:

On April 22, 2008 our Village Council awarded multiple suppliers for the Purchase/Delivery of Metal Culverts, RFP #019-08/RJB. Your company, CONTECH Construction Products, Inc. was one of the companies awarded. The initial term of the bid award was April 22, 2008 thru April 21, 2009 with provision for two (2) additional one year renewals with the same terms and conditions.

Inasmuch as the term of the initial bid award expired on April 21, 2009, the Village of Wellington wishes to exercise the first additional one year renewal to extend this bid award through April 21, 2010. If you concur, please sign below and return to my attention as soon as possible.

I want to thank you for all of the service you and your company have provided in the past and the Village looks forward to your continued service.

Please sign below and return to my attention. If you have any questions in regards to this transmittal please contact me at (561) 791-4794.

Sincerely,

Bill M. Atkins
Purchasing Manager

X Agree to renew thru April 21, 2010.

Do not want to renew.

Signature

5/18/09
Date

William M. Burnette
Print Name

BID SUBMITTAL

To:
Village of Wellington
14000 Greenbriar Blvd.
Wellington, Florida 33414

METAL CULVERTS, INC.

(Vendor)

agrees to provide Metal Culverts in accordance with the requirements and specifications of the Bid Documents for the Village of Wellington as specified herein for the Purchase and Delivery of Metal Culverts.

Gentlemen:

The undersigned Bidder has carefully examined the Specification requirements, Bid/Contract Documents and is familiar with the nature and extent of the Work and any local conditions that may in any manner affect the Work to be done.

The undersigned agrees to provide the service called for by the Specifications and Bid Documents, in the manner prescribed therein and to the standards of quality and performance established by the Village for the Bid price stated in the spaces herein provided.

The undersigned agrees to the right of the Village to hold all Bids and Bid guarantees for a period not to exceed ninety (90) days after the date of Bid opening stated in the Invitation to Bid.

The undersigned accepts the invoicing and payment policies specified in the Bid.

Dated this 27 day of MARCH, 2008
(Month) (Year)



By: _____
(Signature) (Print name)

Address: _____

Telephone: (____) _____ Fax: (____) _____

E-Mail Address: _____

Social Security Number (OR) Taxpayer Identification Number (TIN): _____

CORPORATION

By: Michael L. Rackers , MICHAEL L. RACKERS, MANAGER OF SALES/PRODUCTION EXPEDITING
(Signature) (Print name)

Address: P.O. BOX 330
JEFFERSON CITY, MO 65102

Telephone: (573) 636-7312 Fax: (573) 634-8729

E-Mail Address: sales@metaculverts.com

Taxpayer Identification Number: 43-0916928

State Under Which Corporation Was Chartered: MISSOURI

Corporate President: BEN W. BIELSKI, JR.
(Print Name)

Corporate Secretary: MYLLE D. BIELSKI
(Print Name)

Corporate Treasurer: MYLLE D. BIELSKI
(Print Name)

CORPORATE SEAL

Attest By: Cindy Wilkins CINDY WILKINS
Secretary Bidder acknowledges the receipt of Addenda No.'s:

BID PRICING

Aluminum Round, Plain Spiral 16 Gauge (.064) 12" Pipe Dimension Diameter \$ <u>8.61</u> 15" Pipe Dimension Diameter \$ <u>10.49</u> 18" Pipe Dimension Diameter \$ <u>12.64</u>	Aluminum Round, Plain Spiral 14 Gauge (.079) 24" Pipe Dimension Diameter \$ <u>20.71</u> 30" Pipe Dimension Diameter \$ <u>25.82</u>
Aluminum Round, Plain Spiral 12 Gauge (.109) 36" Pipe Dimension Diameter \$ <u>43.04</u> 42" Pipe Dimension Diameter \$ <u>50.03</u> 48" Pipe Dimension Diameter \$ <u>57.03</u>	Aluminum Round, Plain Spiral 8 Gauge 60" Pipe Dimension Diameter \$ <u>109.75</u> 66" Pipe Dimension Diameter \$ <u>120.51</u> 72" Pipe Dimension Diameter \$ <u>131.27</u>
Aluminum Elliptical, Plain Spiral 14 Gauge (.079) 28" x 20" - 24" Span over rise normal & round equivalent \$ <u>22.32</u> 36" x 24" - 30" Span over rise normal & round equivalent \$ <u>27.90</u>	Aluminum Elliptical, Plain Spiral 10 Gauge 64" x 43" - 54" Span over rise normal & round equivalent \$ <u>88.45</u>

BID SUBMITTAL

To:
Village of Wellington
14000 Greenbriar Blvd.
Wellington, Florida 33414

CONTECH Construction Products Inc.

(Vendor)

agrees to provide Metal Culverts in accordance with the requirements and specifications of the Bid Documents for the Village of Wellington as specified herein for the Purchase and Delivery of Metal Culverts.

Gentlemen:

The undersigned Bidder has carefully examined the Specification requirements, Bid/Contract Documents and is familiar with the nature and extent of the Work and any local conditions that may in any manner affect the Work to be done.

The undersigned agrees to provide the service called for by the Specifications and Bid Documents, in the manner prescribed therein and to the standards of quality and performance established by the Village for the Bid price stated in the spaces herein provided.

The undersigned agrees to the right of the Village to hold all Bids and Bid guarantees for a period not to exceed ninety (90) days after the date of Bid opening stated in the Invitation to Bid.

The undersigned accepts the invoicing and payment policies specified in the Bid.

Dated this 27th day of March, 2008
(Month) (Year)

[Redacted Signature Block]

By: [Signature] 3/27/08, William M. Burnette
(Signature) (Print name)

Address: 8250 62nd Street North Pinellas Park, FL 33781

Telephone: (727) 544-8811 Fax: (727) 541-2371

E-Mail Address: www.contech-cpi.com

Social Security Number (OR) Taxpayer Identification Number (TIN): 31-1177165

BID PRICING

Aluminum Round, Plain Spiral 16 Gauge (.064) 12" Pipe Dimension Diameter \$ <u>9.00</u> 15" Pipe Dimension Diameter \$ <u>11.00</u> 18" Pipe Dimension Diameter \$ <u>12.75</u>	Aluminum Round, Plain Spiral 14 Gauge (.079) 24" Pipe Dimension Diameter \$ <u>20.00</u> 30" Pipe Dimension Diameter \$ <u>25.75</u>
Aluminum Round, Plain Spiral 12 Gauge (.109) 36" Pipe Dimension Diameter \$ <u>42.00</u> 42" Pipe Dimension Diameter \$ <u>50.15</u> 84" Pipe Dimension Diameter \$ <u>116.00</u>	Aluminum Round, Plain Spiral 8 Gauge 60" Pipe Dimension Diameter \$ <u>120.00</u> 66" Pipe Dimension Diameter \$ <u>141.00</u> 72" Pipe Dimension Diameter \$ <u>152.00</u>
Aluminum Elliptical, Plain Spiral 14 Gauge (.079) 28" x 20" – 24" Span over rise normal & round equivalent \$ <u>22.40 L.F</u> 36" x 24" – 30" Span over rise normal & round equivalent \$ <u>29.15 L.F</u>	Aluminum Elliptical, Plain Spiral 10 Gauge 64" x 43" – 54" Span over rise normal & round equivalent \$ <u>96.00</u>

CONFIDENTIAL

By: William M. Burnette / William M. Burnette
(Signature) (Print name)

Address: 8250 62nd Street, North
Pinellas Park, FL 33781

Telephone: (727) 544-8811 Fax: (727) 541-2371

E-Mail Address: burnetteb@contech-cpi.com

Taxpayer Identification Number: 31-1177165

State Under Which Corporation Was Chartered: Ohio

Corporate President: Pat Harlow
(Print Name)

Corporate Secretary: William H. Cordes
(Print Name)

Corporate Treasurer: Jeffrey S. Lee
(Print Name)

CORPORATE SEAL

Attest By: SEE ATTACHED
Secretary Bidder acknowledges the receipt of Addenda No.'s:

6. D

**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY****AGENDA ITEM NAME:** RESOLUTION R2009-44 (PROTECTING FLORIDA'S INVESTMENT ACT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA DECLARING THE INTENT OF THE VILLAGE COUNCIL TO ENSURE THAT THE VILLAGE INVESTMENTS OPERATE CONSISTENTLY WITH THE "PROTECTING FLORIDA'S INVESTMENTS ACT" BY IDENTIFYING COMPANIES DOING BUSINESS WITH IRAN'S ENERGY SECTOR AND WITH THE SUDAN, AND DIVESTING FROM THOSE COMPANIES; AND PROVIDING AN EFFECTIVE DATE.

ACTION REQUESTED: Discussion ☐ Approval ☒**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐**PUBLIC HEARING:** Yes ☐ No ☒**FIRST READING** ☐**SECOND READING** ☐**REQUEST:** Approval of Resolution R2009-44 "Protecting Florida's Investment Act".

EXPLANATION: In 2007, the State of Florida unanimously passed the "Protecting Florida's Investment Act" which orders state pension funds to divest themselves of companies doing business with Sudan or Iran's energy sector. This was in an effort to stop the genocide in Darfur and to prevent Iran from developing nuclear weapons. After that bill was passed, the Jewish Community Relations Council of the Jewish Federation of Palm Beach County has been approaching local governments in an effort to encourage support to this state legislation. So far, five other municipalities and the county have passed resolutions similar to the state.

The Village of Wellington is compliant in its own investments with this state law. While the Florida SBA fund A does have investments in companies that do business with either Sudan or Iran's energy sector, the Village of Wellington does not have any funds invested in Fund A. As of May 31, 2009, the SBA Fund B does not have any investments in companies that do business with Sudan or Iran. This resolution would formalize the Village's intent to ensure that the Village's investments are consistent with the "Protecting Florida's Investment Act".

FISCAL IMPACT: N/A.**RECOMMENDATION:** Staff recommends the approval of Resolution R2009-44.

RESOLUTION NO. R2009-44

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA DECLARING THE INTENT OF THE VILLAGE COUNCIL TO ENSURE THAT THE VILLAGE INVESTMENTS OPERATE CONSISTENTLY WITH THE "PROTECTING FLORIDA'S INVESTMENTS ACT" BY IDENTIFYING COMPANIES DOING BUSINESS WITH IRAN'S ENERGY SECTOR AND WITH THE SUDAN, AND DIVESTING FROM THOSE COMPANIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of Wellington, Florida has an interest in being certain that equity investments made by the various pension funds covering Village employees are made in a responsible and prudent manner; and

WHEREAS, a resolution of the United Nations Security Council imposes sanctions on Iran for its failure to suspend its uranium-enrichment activities; and

WHEREAS, the United Nations Security Council voted unanimously for an additional embargo on Iranian arms exports, which is a freeze on assets abroad of an expanded list of individuals and companies involved in Iran's nuclear and ballistic missile programs, and calls for nations and institutions to bar new grants or loans to Iran, except for humanitarian and developmental purposes; and

WHEREAS, Iran's financial ability to pay its debts to foreign entities involved in the petroleum-energy sector amounting to more than \$20 million is put at risk by the Iran and Libya Sanctions Act embargo and sanctions; and

WHEREAS, foreign entities have invested in Iran's petroleum-energy sector despite United States and United Nations sanctions against Iran; and

WHEREAS, all United States and foreign entities that have invested more than \$20 million in Iran's energy sector since August 5, 1996, are subject to sanctions under United States law pursuant to the Iran and Libya Sanctions Act of 1996; and

WHEREAS, the United States renewed the Iran and Libya Sanctions Act of 1996 in 2001 and 2006; and

WHEREAS, on July 23, 2004, the United States Congress declared that "the atrocities unfolding in Darfur, Sudan are genocide"; and

WHEREAS, on December 7, 2004, Congress found that "the Government of Sudan has restricted access by humanitarian and human rights workers to the Darfur area through intimidation by military and security forces, and through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those

individuals displaced from their villages and homes without any means of sustenance or shelter"; and

WHEREAS, on September 25, 2006, Congress reaffirmed that "the genocide unfolding in the Darfur region of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan"; and

WHEREAS, the Darfur crisis represents the first time the United States Government has labeled ongoing atrocities as genocide; and

WHEREAS, the Federal Government has imposed sanctions against the Government of Sudan since 1997. These sanctions are monitored through the United States Treasury Department's Office of Foreign Assets Control (OFAC); and

WHEREAS, according to a former chair of the United States Securities and Exchange Commission, the fact that a foreign company is doing material business with a country, government, or entity on OFAC's sanctions list is, in the SEC staffs view, substantially likely to be significant to a reasonable investor's decision about whether to invest in that company; and

WHEREAS, since 1993, the United States Secretary of State has determined that Sudan is a country whose government has repeatedly provided support for acts of international terrorism, and as a result, the United States has restricted assistance, defense exports, defense sales, financial transactions, and various other transactions with the Government of Sudan; and

WHEREAS, a 2006 report by the United States House of Representatives states that "a company's association with sponsors of terrorism and human rights abuses, no matter how large or small, can have a materially adverse result on a public company's operations, financial condition, earnings, and stock prices, all of which can negatively affect the value of an investment"; and

WHEREAS, in response to the financial risk posed by investments in companies doing business with a state that sponsors terrorists, the Securities and Exchange Commission established its Office of Global Security Risk to provide for enhanced disclosure of material information regarding such companies; and

WHEREAS, the current Sudan divestment movement encompasses nearly 100 universities, municipalities, states, and private pension plans; and

WHEREAS, companies facing such widespread divestment present further material risk to remaining investors; and

WHEREAS, the Council desires to recommend where, how, and by whom financial resources in its control should be invested, taking into account numerous pertinent factors; and

WHEREAS, it is the desire of the Council, with respect to investment resources in its control and to the extent reasonable, with due consideration for return on investment on behalf of its investment beneficiaries, not to participate in an ownership or capital-providing capacity with entities that provide significant practical support for genocide, including certain non-United States companies presently doing business in Sudan; and

WHEREAS, while divestiture should be considered with the intent to improve investment performance, and by the rules of prudence, fiduciaries must take into account all relevant substantive factors in arriving at an investment decision; and

WHEREAS, the Council is deeply concerned about investments in publicly traded companies that have business activities in and ties to Iran's petroleum-energy sector as a financial risk to the shareholders; and

WHEREAS, by investing in publicly-traded companies having ties to Iran's petroleum-energy sector, the Fund Managers may be putting the funds they oversee at substantial financial risk; and

WHEREAS, divestiture from markets that are vulnerable to embargo, loan restrictions, and sanctions from the United States and the international community, including the United Nations Security Council, is in accordance with the rules of prudence; and

WHEREAS, the Council finds that this Resolution should remain in effect only insofar as it continues to be consistent with and does not unduly interfere with the foreign policy of the United States as determined by the Federal Government; and

WHEREAS, to protect the investments of the Village of Wellington and the retirement assets of its employees, it is in the best interest of the Council to recommend a prohibition regarding the investments managed on behalf of the Village in companies doing business in Sudan or in Iran's petroleum-energy sector.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. The Village Council declares that it is the recommendation of the Village that the Boards of the Pension Funds holding the retirement assets of employees of the Village of Wellington and staff directing the investments of the Village of Wellington be

required to follow the actions as mandated by the "Protecting Florida's Investments Act", as it relates to identifying companies doing business with Iran's energy sector and the Sudan and divesting from these companies.

SECTION 3. The Village Clerk is directed to send a copy of this resolution to the responsible parties at the Florida Retirement System and Florida League of Cities who manage the retirement funds of the employees of the Village of Wellington.

SECTION 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of June, 2009.

ATTEST:

VILLAGE OF WELLINGTON, FLORIDA

BY: _____
Awilda Rodriguez, Village Clerk

BY: _____
Darell Bowen, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Jeffrey S. Kurtz, Village Attorney

6. E

**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY**

AGENDA ITEM NAME: PROCLAMATION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, DESIGNATING JULY 2009 AS PARKS AND RECREATION MONTH IN THE VILLAGE OF WELLINGTON

ACTION REQUESTED: Discussion ☐ Approval ☒

**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐

PUBLIC HEARING: Yes ☐ No ☒

FIRST READING ☐

SECOND READING ☐

REQUEST: Staff request the Village Council approve designating July 2009 as Parks and Recreation Month.

EXPLANATION: Since 1985, the National Parks and Recreation Association has designated the month of July as Parks and Recreation Month to bring recognition to the importance and benefits of quality facilities, programs and leisure opportunities to the general public. The Village of Wellington has participated in this effort for several years.

FISCAL IMPACT: N/A

RECOMMENDATION: Village Council approval designating July 2009 as Parks and Recreation Month.

**A PROCLAMATION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF WELLINGTON, DESIGNATING THE MONTH OF
JULY 2009 AS NATIONAL PARKS AND RECREATION MONTH
IN THE VILLAGE OF WELLINGTON**

WHEREAS, individuals and organized forms of recreation and creative use of free time are vital to the happy lives of all of our citizens; and education, athletic and recreation programs throughout the Village of Wellington encompass a multitude of activities that can result in personal accomplishment, self-satisfaction and family unity for all citizens, regardless of their background, ability level or age; and

WHEREAS, the citizens of Wellington should recognize the vital role that parks play in the lives of our citizens in relation to good physical and mental health and the enhancement of the quality of life for all people; and

WHEREAS, The Village of Wellington is extremely proud of the various community parks and athletic activities offered to the community and their contributions to providing to all ages a healthy place to recreate, a place to learn and grow, to play, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in our community;

NOW, THEREFORE, the Village Council of the Village of Wellington hereby proclaims July as

**NATIONAL PARKS AND RECREATION MONTH IN THE VILLAGE OF WELLINGTON,
FLORIDA**

IN WITNESS THEREOF, I have hereunto set my hand and cause the Seal of the Village of Wellington, Florida to be affixed this ____ day of _____, 2009.

ATTEST:

VILLAGE OF WELLINGTON

BY: _____
Awilda Rodriguez, Village Clerk

BY: _____
Darell Bowen, Mayor

7. A

**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY****AGENDA ITEM NAME:** ORDINANCE 2009-01 (NOISE STANDARDS)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO NOISE STANDARDS; AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF WELLINGTON, FLORIDA BY AMENDING CHAPTER 36, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE III, "NOISE STANDARDS"; SEC. 36-32, "EXEMPTIONS" TO INCLUDE USE OF EQUIPMENT ASSOCIATED WITH NORMAL MAINTENANCE OF A GOLF COURSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ACTION REQUESTED: Discussion ☐ Approval ☒

**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐

PUBLIC HEARING: Yes ☒ No ☐

FIRST READING ☐

SECOND READING ☒

REQUEST: This item is being presented at the request of the current golf course operators. The request is to provide a specific exemption from noise standards relating to use of landscaping equipment at golf courses prior to 7:00 a.m. Current code prohibits use of such equipment prior to 7:00 a.m., Monday through Saturday, and prior to 9:00 a.m. on Sunday.

EXPLANATION: Current noise standards applicable to golf course landscape equipment prohibit the use of such equipment prior to 7:00 a.m., Monday through Saturday, and prior to 9:00 a.m. on Sunday. Local golf course operators have indicated this is too restrictive and could limit number of rounds of golf played and impact their long term viability. The proposed amendment would allow golf course maintenance activities to begin at 6:00 a.m., a time that more closely follows industry standards. It should be noted that both Bink's Forest and the Wanderer's Club have current active code violations.

FISCAL IMPACT: None.

RECOMMENDATION: Staff recommends adoption of the proposed amendment to grant an exception to the noise standards for golf course landscape maintenance to allow use of landscape equipment beginning at 6:00 a.m. on a daily basis. The first reading of Ordinance 2009-01 was approved unanimously on June 6, 2009.

ORDINANCE NO. 2009-01

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO NOISE STANDARDS; AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF WELLINGTON, FLORIDA BY AMENDING CHAPTER 36, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE III, "NOISE STANDARDS"; SECTION 36-32, "EXEMPTIONS" TO INCLUDE USE OF EQUIPMENT ASSOCIATED WITH NORMAL MAINTENANCE OF A GOLF COURSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted pursuant to Article VIII of the Florida Constitution, Chapter 166, Florida Statutes, the Charter of the Village of Wellington, and the police powers of the Village; and

WHEREAS, the Village Council has determined that the sound emitted from the operation of equipment for maintenance of golf courses is an activity that is customarily associated with operation of public or private courses; and

WHEREAS, the Village Council finds that the use of maintenance equipment may occur earlier than 7:00 a.m., based upon the use characteristics of golf courses, as many golf courses establish 7:00 a.m. as the earliest tee time and greens and fairways are subject to maintenance prior to that time; and

WHEREAS, the Village Council acknowledges that early operation of maintenance equipment may have some adverse impact on residents on property surrounding on a golf course; and

WHEREAS, the Village Council finds that allowing golf courses to begin maintenance activities represents a reasonable use of golf course property.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, THAT:

SECTION 1: Chapter 36, "Offenses and Miscellaneous Provisions", Article III, "Noise Standards", Section 36-32: "Exemptions", of the Code of Ordinances is hereby amended to read as follows:

Section 36-32. Exemptions.

The following shall be exempted from the standards of this section:

- (1) Sound emitted from the operation of motor vehicles legally operating on any public right-of-way, which are regulated by F.S. Ch. 316, the Uniform Traffic Control Law.
- (2) Any noise generated by activities to the extent such activities are preempted by applicable state or federal laws or regulations.
- (3) Any noise generated as a result of emergency work, as a danger-warning device, or for the purpose of alerting persons to the existence of any emergency.
- (4) Any noise generated by any government sanctioned activity conducted on public land.
- (5) Any noise generated within any public right-of-way, including parades, when appropriately sanctioned by the governing body.
- (6) Non-amplified crowd noises at sporting events.
- (7) Sound emitted from the operation of equipment associated with maintenance of public or private golf courses when the equipment is utilized in the normal operation and operating hours of a golf course, provided the equipment is used only between the hours of 6:00 a.m. and 7:00 p.m. daily.

SECTION 2: Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Village Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 4. The provisions of this Ordinance shall become effective immediately upon passage on second final reading.

PASSED this 9th day of June 2009, upon first reading.

PASSED AND ADOPTED this ____ day of _____ 2009, on second and final reading.

VILLAGE OF WELLINGTON

	FOR	AGAINST
BY: _____ Darell Bowen, Mayor	_____	_____
_____ Dr. Carmine A. Priore, Vice Mayor	_____	_____
_____ Lizbeth Benacquisto, Councilwoman	_____	_____
_____ Matt Willhite, Councilman	_____	_____
_____ Howard K. Coates, Jr., Councilman	_____	_____

ATTEST:

BY: _____
Awilda Rodriguez, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Jeffrey S. Kurtz, Village Attorney



MEMORANDUM

TO: Mayor & Village Council

FROM: Marty Hodgkins

**CC: Paul Schofield, Jeffrey s. Kurtz, John Bonde, Jim Burns,
Francine Ramaglia, Awilda Rodriguez**

DATE: June 1, 2009

**SUBJ: Ordinance Exemption Golf Course Operators from Noise
Ordinance during the Hours of 6:00 a.m. & 6:00 p.m. daily**

The Council considered and tabled the Noise Ordinance Exemption for Golf Courses on January 13, 2009. On May 26, 2009, staff was directed to bring the item back for consideration. Staff notes that information regarding the public hearing has been mailed to the presidents of the seven affected neighborhood associations.

The proposed ordinance to be considered by the Village Council, would create an exception for the operation of golf course equipment and thus allow the golf courses to begin their maintenance operations at 6:00 a.m. daily. The proposed ordinance will henceforth be referred to as the exemption ordinance. This exemption ordinance has been requested by the golf course operators within the Village.

**Current status of Golf Course Operators and
Code Enforcement Actions**

Binks Forest Golf Course - Binks Forest Golf Course begins its maintenance operations at approximately 6:00 a.m. every day. They were brought before the Special Magistrate in April and found to be in violation. The Special Magistrate ordered them to come into compliance by April 24, 2009 or face a fine of up to \$250 per day. Binks Forest has not come into compliance and currently is accruing fines of \$250 per day. Binks Forest has not indicated they will come into compliance with the Village's current noise ordinance prior to the Council's consideration of the exemption ordinance. By the time of the April meeting, Binks Forest will be subject to accrued fines of over \$11,000. Binks Forest appeared at the May 21, 2009 Code Enforcement hearing and requested a

continuance on the fine assessment hearing until June 18, 2009. The continuance does not materially affect the Village's position as the fines continue to accrue on a daily basis, and are all subject to being assessed.

Wanderers Golf Club - The Wanderers Golf Club currently begins its golf course maintenance operations at approximately 7:00 a.m. each morning. Prior to being cited for noise violations in the March/April time period they had been initiating their operations prior to 7:00 a.m. On April 26, 2009, the Wanderers Golf Club was cited for violating the noise ordinance prohibiting and operating lawn equipment prior to 9:00 a.m. on Sundays. The Special Magistrate at the May 21st hearing found them to be in violation and ordered them to comply by May 26th or face a fine of up to \$150 a day. On May 31st, code Inspectors observed the golf course maintenance operations beginning before 9:00 a.m. but did not observe them using mechanical equipment. Residents were contacted and they indicated they did not hear any equipment operating prior to 9:00 a.m.

Palm Beach Polo – It is the Village's staff's understanding that the Palm Beach Polo golf course maintenance operations do occur prior to 7:00 a.m. Monday through Saturday and prior to 9:00 a.m. on Sundays, but there have been no complaints about the operations and since this violation is one for which the Village only inspects once there has been resident complaints, no code enforcement action is presently ongoing.

History of Golf Course Operations and Village Enforcement

The three currently operating golf courses and the former Greenvue Golf Course historically began their maintenance operations prior to 7:00 a.m. daily. This is consistent with the practice of most golf courses in Palm Beach County and the rest of Florida. Golf courses, especially those open to the public, will generally allow golfers to tee off around 7:00 a.m. Each green takes about 15 minutes to cut, so the golf course operators like to give their greens technicians some lead time on the golfers so the playing and cutting activities do not interfere with each other.

The Village noise ordinance has been in place since 1999. It has not been changed since its adoption. Enforcement of the noise ordinance whether the noise stems from golf course operations or any other source has been done on a complaint basis. Until the last year or so, complaints arising from the operation of the golf course equipment have been minimal and very sporadic. The staff is unaware of any such violation being brought before the Special Magistrate or the Code Enforcement Board until just recently. Former operators of the local courses have indicated that on the rare occasions someone complained, they might alter the mowing patterns to accommodate the individual complaint, if they were still able to complete the preparation of the greens without interfering with play.

Staff does not have any records of the prohibition on the operation of lawn and garden equipment prior to 7:00 a.m. being construed to exclude golf course operations.

**Cutting the Baby in Half
6:30 or Decibel Levels**

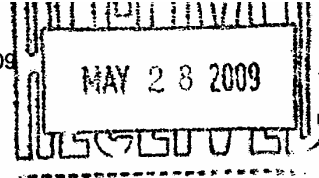
After the Village Council tabled the exemption ordinance, Village staff considered other measures of enforcement or the possibility of moving the tee time back by 30 minutes instead of a full hour. First as to moving the beginning time to 6:30 a.m., the golf courses will still complain that 6:30 a.m. is not early enough as this does not give them an adequate buffer between the green technicians and the golfers. This is especially true as the golfers who like to get out and play early generally are the golfers who play fastest and therefore would be likely to catch up with the mowing around the 6th or 7th hole. When their position is balanced with the fact that no complainant has advised the Village staff that any time before 7:00 a.m. would be acceptable to them, it is recommended the time either be altered by the full hour or not at all.

The Village staff did go out to the golf courses and conducted several noise level readings. The results of the noise tests indicate the noise emitted from the lawn equipment did not rise sufficiently above the ambient noise levels to be in violation of the 50 decibel level which is the minimum reading that currently creates a violation, at any time of the day in the Village. Noise level readings will be affected by the ambient noise, weather conditions, and of course proximity to the source of the sound. Staff believes that these variables will result in an enforcement nightmare, as code enforcement officers would have to measure the sound levels every time there was a complaint, and even though it was being emitted by the same equipment, the variables of location and weather conditions would effect on a daily basis the exact measurement of sound and therefore whether a violation did or did not exist. The current bright line test in noise carrying over a property is easier to enforce, and give both the golf course operator and the resident more surety as to what the outcome of a complaint and enforcement action will be.

Therefore staff recommends either maintaining the current standard or moving the time back by a full hour. The recommendation in the ordinance is to allow golf course maintenance to occur daily from 6:00 a.m. to 7:00 p.m.

WADE R. BYRD, P.A.
MICHEL BYRD ELLIS *
* MEMBER OF NEW YORK AND FLORIDA BAR

WADE R. BYRD, P.A.
350 ROYAL PALM WAY, SUITE 409
PALM BEACH, FLORIDA 33480
TELEPHONE (561) 832-6929
TELEFAX (561) 832-9066



HARRY W. STEWART, JR.
(1907-1988)

February 18, 2009

VIA FACSIMILE (791-4740)
AND U.S. MAIL

Mr. Marty Hodgkins
Village of Wellington
Planning and Zoning Division
14000 Greenbriar Avenue
Wellington, FL 33414

Re: Ordinance To Allow Earlier Maintenance
Time For Golf Courses

Dear Mr. Hodgkins:

On behalf of the Wanderers Club, 1900 Aero Club Drive, Wellington, Florida 33414, we hereby request that the applicable Ordinance in the Village of Wellington be immediately amended and/or replaced by a new Ordinance so as to allow for earlier time for golf course maintenance.

In order to properly prepare the golf course for play and to protect the golf course workers in their ability to get ahead and stay ahead of golfers in preparing the course for daily play, we hereby request that golf courses in Wellington be allowed to start golf course maintenance at 6:00 a.m. each day. Such time would allow us to properly prepare the course for play. Also, it allows the golf course workers to stay ahead of the golfers which is a safety concern for us, as well as preparing the tees, greens, driving range and fairways for play.

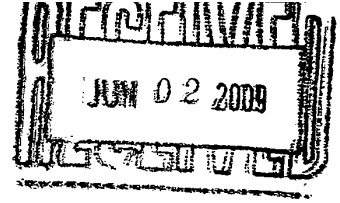
Please let us know if we can furnish any additional or further information so we can get this request before the Village Council.

With appreciation,

Very truly yours,


WADE R. BYRD

WRB:fww
pc: Mr. John Goodman
Mr. Jim Campitelli
Mr. John Wash



June 1, 2009

Mr. Marty Hodgkins
Director of Planning and Zoning
12794 Forest Hill Blvd., Suite 23
Wellington, FL 33414

Re: Amendment to Village ordinance to allow maintenance to begin at 6:00 AM

Dear Mr. Hodgkins:

Aquila Binks Forest Development, LLC is submitting this letter of support for the proposed amendment to the existing noise ordinance which will allow golf courses in The Village of Wellington to begin maintenance operations at 6:00 AM everyday of the week.

Not only has this been the practice in Wellington since the golf course was developed and put into operation over 20 years ago, but it is also the practice of just about every golf course that we have surveyed in Palm Beach County. Without the changes to the existing ordinance, we would be precluded from booking prime time tee times which are early morning every day of the week and especially on the weekends, potentially eliminating as much as \$1,000,000 of annual revenue. Needless to say, without being able to sell prime time tee times, the economic viability of the golf course would be destroyed. It is our contention that the ordinance was not meant to apply to golf courses for several reasons, both because it has not until recently been enforced and the specific language refers to use of "lawn and garden" equipment, which are terms customarily used with respect to single family homes. We further contend that no semi-private or daily fee course in Palm Beach County could survive if the interpretation of the existing ordinance were applied to golf courses.

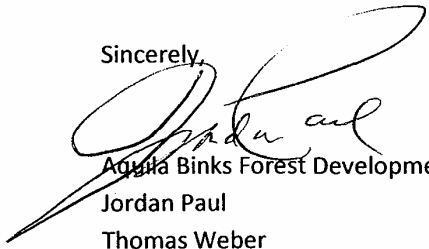
While we are understanding of the very few people who may have complained about the noise from the mowers in the early morning, we strongly believe that when weighed against the benefit to the community at large and the uplift in property values of the homeowners who live on or near Binks Forest Golf Club, there is no logical choice other than to pass the new proposed ordinance.

We have invested millions of dollars into this golf course and the clubhouse which is providing the community not only with a high quality golf experience, but also with a place to gather and hold weddings, parties, and large charity events in an elegant setting, under a roof with excellent food and beverage service.

From a maintenance perspective, our maintenance crew needs at least a one hour head start to get out in front of and stay in front of golfers who will tee off as early as 7:00 AM. This is not only for the safety of the golf maintenance crew, but also to make sure the maintenance crew does not have to slow their progress which they would have to do if the golfers caught up with them during play. This would add significant additional cost to the golf course operations.

In order to remain a viable business, remain competitive with other Palm Beach County golf courses, and to allow us to provide a superior golf course experience to many thousands of golfers in Wellington and the surrounding areas, we strongly urge you to implement the changes to the noise ordinance.

Sincerely,



Aquila Binks Forest Development, LLC
Jordan Paul
Thomas Weber
Patrick Toomey
Terry Strongin



Village of Wellington

TO: Mayor and Council

FROM: Marty Hodgkins, AICP, PZB Director

THRU: Paul Schofield, Village Manager

SUBJECT: Proposed Amendment to Chapter 36, "Offenses and Miscellaneous Provisions", Article III, "Noise Standards" of the Code of Ordinances Relating to an Exemption for Maintenance of Golf Courses

DATE: December 22, 2008

BACKGROUND.

Recently, the issue of early morning golf course noise caused by use of landscaping and maintenance equipment has been raised by both affected residents and affected golf courses.

The affected residents have indicated their displeasure with the noise caused by trucks, lawn mowers, and other equipment associated with maintenance of tees and greens. This is noise that begins in advance of the early tee times often scheduled by golf courses. The complaints from residents have occurred on both weekdays and weekends.

By the normal and customary operation of golf courses, maintenance to repair previous day's damage and to prepare for play on the current day often begins prior to the first scheduled tee time. This early start time is necessary as tee times often are scheduled to begin at 7:00 a.m.

At present, the Village's noise code prohibits operation of landscape maintenance equipment prior to 7:00 a.m. on Monday through Saturday and prior to 9:00 a.m. on Sunday. Enforcement of the noise restrictions on golf courses has not occurred in the past the early morning maintenance was considered as part of the normal activities associated with operation of a course. Village staff has discussed this issue with the operators of the Bink's Forest and Wanderer's golf courses. Both operators agree that enforcement of the current code provisions would be harmful, and could limit the number of golfers that could use each course. Letters in support of this code amendment have been sent by the Wanderer's Club and Bink's Forest Golf Course and are attached as Exhibit "A".

Staff also notes that a meeting with approximately 15 representatives of the Lakefield North Home Owners Associated was held on December 19th. At that meeting, the issue of early

morning maintenance activity was discussed, and the general consensus was that the maintenance should be deferred until 7:00 a.m.

DISCUSSION.

Approximately 1,100 residential units abut the Village's three operational golf courses and one non-operational course: the Bink's, Wanderer's and Polo courses are operational, while the Greenview Cove course is not. The location of the four courses is indicated in Exhibit "B". This total does not include that portion of the Polo course located north of Forest Hill Boulevard. The concerns about early morning golf course noise have been expressed only by some residents abutting the Wanderer's and the Bink's courses; no concerns have been voiced about the Polo course.

The problem is somewhat of a classic land use conflict: the owners of properties abutting a golf course enjoy the amenity, open space and associated increase in value but object to certain activities that maintain the appearance and desirability of that same amenity. The three active courses are public or semi-public; play is not limited just to residents of the development or to club members. The owners of property abutting the courses and the owners of each course have property rights: (1) the residential owners have a right to peaceful enjoyment of their property; and (2) the course owners have an expectation operate in a fashion that is normal and customary for such facilities. In all three cases, the golf courses were integral elements of the development approval process, and have been in operation for many years. In fact, construction of the courses usually pre-dates the construction of abutting residential units.

RECOMMENDATION.

Exhibit "C" is the proposed amendment to the Village's current noise standards. The proposed amendment, as indicated on Page 2 of the attachment, allows golf course operators to begin maintenance operation at 6:00 a.m. The effect of the amendment will allow golf course operators to begin normal maintenance activities at 6:00 a.m. on a daily basis, seven days a week including Saturdays and Sundays.

It is recommended that the proposed amendment be approved on first reading. Staff notes that amendments to the Village Code of Ordinance are not reviewed by any advisory body prior to submission to Council for action.

COUNCIL ACTION.

Ordinance 2009-01 was approved unanimously on first reading on June 9, 2009.

Exhibit "A"
Letters in Support of Proposed Code Amendment

11/18/2008 11:31 FAX 561 753 2439
NOV-18-2008 11:26 From:WADE R BYRD PA

VILL OF WELLINGTON PZB
5618329066

To:7532439

002
Page:2/3

LAW OFFICES

WADE R. BYRD, P.A.

350 ROYAL PALMWAY, SUITE 409
PALM BEACH, FLORIDA 33480
TELEPHONE (561) 832-6929
TELEFAX (561) 832-9066

WADE R. BYRD, P.A.
MICHAEL BYRD ELLIS *
* MEMBER OF NEW YORK AND FLORIDA BAR

HARRY W. STEWART, JR.
(1907-1988)

November 18, 2008

Ms. Rose Taliau
Chief Code Enforcement Officer
Village of Wellington
12794 W. Forest Hill Boulevard, Suite 10
Wellington, FL 33414

Re: Amendment to Village of Wellington Ordinance
to Allow Earlier Starting Time for Golf Course

Dear Ms. Taliau:

On behalf of the Wanderers Club, 1900 Arco Club Drive, Wellington, Florida 33414, we hereby request that the applicable Ordinances in the Village of Wellington be immediately amended as to starting time for golf course operations.

In order to properly prepare the golf course for play commencing at 7:00 a.m. and to protect the golf course workers in their ability to get ahead and stay ahead of golfers in preparing the course for daily play, we hereby request that we be allowed to leave the maintenance area at 6:00 a.m. each day. Such time would allow us to properly prepare the course for play commencing at a 7:00 a.m. tee time. This earlier time allows our golf course workers to stay ahead of the golfers which is a safety concern for us, as well as preparing the tees, greens, driving range and one fairway for play.

Machinery such as blowers will not be used by us until after 7:00 a.m. Also, our practice of keeping the noise level to a minimum in and around the maintenance area will be continued.

11/18/2008 11:31 FAX 561 753 2439

VILL OF WELLINGTON PZB

003

NOV-18-2008 11:26 From:WADE R BYRD PA

5618329066

To: 7532439

Page:3/3

Please let us know if we can furnish any additional or further information
in order to get our request before the Village Council.

With appreciation,

Very truly yours,


WADE R. BYRD

WR:fwv

pc: Mr. John Goodman
Mr. Jim Campitelli
Mr. John Wash
Mr. Marty Hodgkins



400 Bink's Forest Dr.
Wellington, Florida 33414
Telephone 561-333-5731
Fax 561-333-5732

November 18, 2008

Mr. Marty Hodgkins, AICP
Director Planning, Zoning and Building
12794 Forest Hill Blvd., Suite 23
Wellington, FL 33414

Re: Amendment to Village of Wellington ordinance to allow earlier starting time for golf courses

Dear Mr. Hodgkins,

On behalf of Bink's Forest Golf Club, 400 Bink's Forest Drive, Wellington, Florida 33414, we hereby request that the Village of Wellington ordinances applicable to golf course operation starting times be immediately amended.

Aquila Bink's Forest Development, LLC acquired Bink's Forest Golf Club in May 2007. Prior to that date, the course sat idle and unkempt, as the community's largest eyesore. With vision from Aquila, the Village government and the community at large, new life has been breathed into Bink's Forest Golf Club. Very shortly, Bink's Forest Golf Club will open the doors to a completely renovated clubhouse, thus restoring one of the community's best assets. However, as you know, the economy is going through one of its worst periods in history. In order to make the entire project successful, including the golf and banquet operations, the ownership needs to maximize revenue and manage costs according to best business practices. The successful operation of this facility on all levels is paramount to the sustainability of this property for years to come.

On the golf side, it is important that we meet the demand for early tee times by starting at 7:00 A.M. This will improve our revenue and help manage operations during these difficult economic times. We believe it is necessary for the maintenance staff to begin their work at 6:00 A.M. each day so that the course can be playable by 7:00 A.M. Not only is this necessary to provide acceptable playing conditions, it also protects maintenance staff by allowing them to stay ahead of play while preparing greens, tees, fairways, and bunkers. Machinery such as blowers will not be used by Bink's Forest Golf Club until after 7:00 A.M.

Please let us know if we can provide any additional information.

Sincerely,

Patrick Toomey
On behalf of Aquila Bink's Forest Development, LLC

CC:
Jordan Paul
Thomas Weber
Terry Strongin

Exhibit “B”
Single Family Homes Abutting Golf Courses



Exhibit "C"
Proposed Amendment to Noise Standards –
Partial Exemption for Golf Courses

ORDINANCE NO. 2009-01

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO NOISE STANDARDS; AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF WELLINGTON, FLORIDA BY AMENDING CHAPTER 36, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE III, "NOISE STANDARDS"; SEC. 36-32, "EXEMPTIONS" TO INCLUDE USE OF EQUIPMENT ASSOCIATED WITH NORMAL MAINTENANCE OF GOLF COURSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this Ordinance is enacted pursuant to Article VIII of the Florida Constitution, Chapter 166, Florida Statutes, the Charter of the Village of Wellington, and the police powers of the Village; and

WHEREAS, the Village Council has determined that sound emitted from the operation of equipment for maintenance of golf courses is an activity that is customarily associated with operation of public or private courses; and

WHEREAS, the Village Council finds that the use of maintenance equipment may occur earlier than 7:00 a.m., based upon the use characteristics of golf courses, as many golf courses establish 7:00 a.m. as the earliest tee time and greens and fairways are subject to maintenance prior to that time;

WHEREAS, the Village Council acknowledges that early operation of maintenance equipment may have some adverse impact on residents on property surrounding a golf course;

WHEREAS, the Village Council finds that allowing golf courses to begin maintenance activities represents a reasonable use of golf course property.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, that:

SECTION 1: Chapter 36, "Offenses and Miscellaneous Provisions", Article III, "Noise Standards", Sec. 36-32: "Exemptions", of the Code of Ordinances is hereby amended to read as follows:

CHAPTER 36. OFFENSES AND MISCELLANEOUS PROVISIONS AND

ARTICLE III. NOISE STANDARDS.

Sec. 36-32. Exemptions.

ARTICLE III. NOISE STANDARDS

Sec. 36-30. Purpose and intent.

The purpose and intent of this article is to eliminate and regulate sources and occurrences of noise, that interfere with the peaceful enjoyment of land or which are contrary to the public health, safety or welfare or constitute a nuisance to the public at-large.

Sec. 36-31. Applicability.

This article shall apply to all property within the Village of Wellington unless specifically exempted pursuant to section 36-32.

Sec. 36-32. Exemptions.

The following shall be exempted from the standards of this section:

- (1) Sound emitted from the operation of motor vehicles legally operating on any public right-of-way, which are regulated by Chapter 316, F.S, The Uniform Traffic Control Law.
- (2) Any noise generated by activities to the extent such activities are preempted by applicable state or federal laws or regulations.
- (3) Any noise generated as a result of emergency work, as a danger-warning device, or for the purpose of alerting persons to the existence of any emergency.
- (4) Any noise generated by any government sanctioned activity conducted on public land.
- (5) Any noise generated within any public right-of-way, including parades, when appropriately sanctioned by the governing body.
- (6) Non-amplified crowd noises at sporting events.
- (7) Sound emitted from the operation of equipment associated with maintenance of public or private golf courses when the equipment is utilized in the normal operation and operating hours of a golf course, provided the equipment cannot be used prior to 6:00 a.m.

Sec. 36-33. Specific prohibitions.

The following activities shall be prohibited:

- (1) *Horns, signaling devices.* The sounding of any horn or audible signal device of any motor vehicle, boat, train, engine, machine or stationary boiler of any kind except as required by law or as a warning. The sounding of any warning device for an unnecessary or unreasonable period of time is also prohibited.
- (2) *Public streets and parks.* The operating or playing of any radio, television, phonograph, musical instrument or similar device on the public rights-of-way or in public parks in a manner as to be plainly audible at a distance of 100 feet from the sound source at any time.
- (3) *Loud speakers and sound amplifiers.* The using or operating of any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument or other similar device within or adjacent to inhabited residential land such that the sound therefrom is plainly audible across the property line of the inhabited residential land at any time. This

section shall not apply to any special events, such as parades, festivals or sporting events, but shall apply to lounges, restaurants, or nightclubs.

(4) *Street sales advertising.* The use or operation of any loudspeaker, sound amplifier or musical instrument which produces or reproduces sound which is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public to any particular building, structure or place when such sound that is emitted is plainly audible across the land line of any inhabited residential land.

(5) *Machinery and construction work.* The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tools, equipment of semi-mechanical devices or undertaking construction work which emits sound across the land line of an inhabited residential land between the hours of 10:00 p.m. and 7:00 a.m., Monday through Saturday. All major construction work, including grading and site preparation, assembly, erection, substantial repair, alteration or demolition of a building or structure is prohibited anytime on Sunday. This shall not prohibit individuals from performing home repair or maintenance, between the hours of 9:00 a.m. and 6:00 p.m. on Sunday nor shall it prohibit the use of pumps or machinery which, because of its very nature and purpose, is required to be operated 24 hours a day.

(6) *Lawn equipment.* The operation of lawn and garden equipment that emits sound across a property line to inhabited residential land except between the hours of 7:00 a.m. and 10:00 p.m. daily and between the hours of 9:00 a.m. and 6:00 p.m. on Sundays.

Sec. 36-34. General prohibitions.

No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table A for inhabited residential and commercial land more than ten percent of any measurement period, which period shall not be less than ten minutes when measured at or within the boundary of the complaining landowner. For the purpose of this section, inhabited shall mean regularly occupied by the complainant and occupied at the time of complaint. Sound level measurement shall be made with a Type 2 or equivalent sound level meter using the A-weighting scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner.

Table A
Prohibited Sound Levels

Receiving Land	Noise Source	Time of Day	Sound Level Limit
Residential	Fixed mechanical equipment	Any time 7:00 a.m. to 8:00 p.m.	60 dBA 60 dBA
Residential	All other sources	8:00 p.m. to 11:00 p.m. 11:00 p.m. to 7:00 a.m.	55 dBA 50 dBA
Commercial	All sources	Any time	70 dBA

SECTION 2. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Village Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 4. The provisions of this Ordinance shall become effective immediately upon passage on second final reading.

PASSED this ____ day of _____, 2009, upon first reading.

PASSED AND ADOPTED this ____ day of _____ 2009, on second and final reading.

VILLAGE OF WELLINGTON

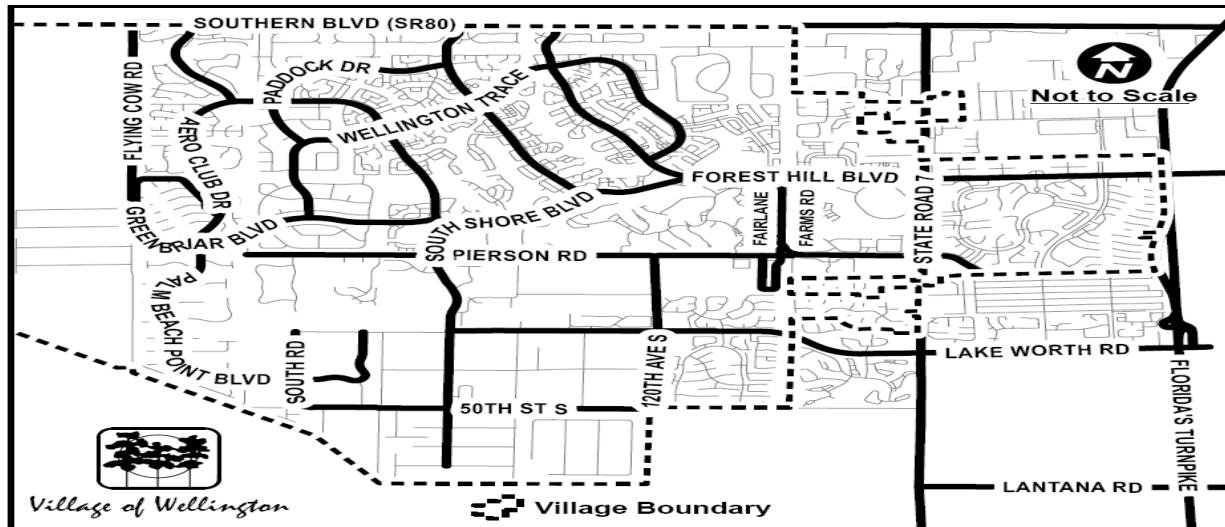
	FOR	AGAINST
BY: _____ Darell Bowen, Mayor	_____	_____
_____ Dr. Carmine A. Priore, Vice Mayor	_____	_____
_____ Lizbeth Benacquisto, Councilwomen	_____	_____
_____ Matt Willhite, Councilman	_____	_____
_____ Howard K. Coates, Jr., Councilman	_____	_____

ATTEST:

BY: _____
Awilda Rodriguez, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

BY: _____
Jeffrey S. Kurtz, Village Attorney



**NOTICE OF PUBLIC HEARING
VILLAGE OF WELLINGTON
VILLAGE COUNCIL**

NOTICE IS HEREBY GIVEN that public hearings will be held on the below listed Ordinance:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO NOISE STANDARDS; AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF WELLINGTON, FLORIDA BY AMENDING CHAPTER 36, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE III, "NOISE STANDARDS"; SEC. 36-32, "EXEMPTIONS" TO INCLUDE USE OF EQUIPMENT ASSOCIATED WITH NORMAL MAINTENANCE OF A GOLF COURSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Said public hearing will be held as follows:

VILLAGE COUNCIL

Location: Council Chambers
12165 W. Forest Hill Boulevard, Wellington, Fl. 33414

Date: June 9, 2009 **FIRST READING**

June 23, 2009 **SECOND READING**

The meetings will be held at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business. The hearing of the request may be continued from time to time as may be found necessary.

All interested parties are invited to attend and be heard with respect to the proposed resolutions. Copies of all documents pertaining to the proposed resolutions are available in the Planning and Zoning Department at the address listed below and can be reviewed by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m.

**Planning and Zoning Department
12794 West Forest Hill Boulevard
Wellington, Florida, 33414
(561) 753-2430**

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington Land Development Regulations.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this hearing, because of a disability or physical impairment, should contact the Village Manager's Office at (561) 791-4000 at least five calendar days prior to the Hearing.

DATED: May 27, 2009

PUBLISH: The Post
May 29, 2009

Note to Publisher: Pursuant to Florida Statutes, the required advertisement shall be no less than 2 columns wide by ten inches long, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement **shall not** be placed in that portion of the newspaper where legal notices and classified advertisements appear.

7. B

**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY****AGENDA ITEM NAME:** ORDINANCE NO. 2009-13 FLEX USE ZONING EMPLOYMENT CENTER

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, PERTAINING TO ZONING; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY AMENDING ARTICLE 6, CHAPTER 8, SECTION 6.8.4. "PLANNED INDUSTRIAL PARK DISTRICT" TO READ "FLEXIBLE USE ZONING EMPLOYMENT CENTER" AND ESTABLISHING NEW TEXT FOR 6.8.4 OF CHAPTER 8, ARTICLE 6; BY ELIMINATING ARTICLE 6, CHAPTER 2, SECTION 6.2.12. "LIGHT INDUSTRIAL DISTRICT"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY AND CONFLICTS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR PERMITTED, CONDITIONAL, AND SPECIAL PERMIT USES; PROVIDING FOR MAXIMUM DENSITY AND MINIMUM LOT SIZES; PROVIDING FOR SUPPLEMENTAL DISTRICT REGULATIONS; PROVIDING FOR MINIMUM BUILDING SETBACKS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

ACTION REQUESTED: Discussion ☐ Approval ☒**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐**PUBLIC HEARING:** Yes ☒ No ☐**FIRST READING** ☒**SECOND READING** ☐**REQUEST:** Staff is requesting creation of a new zoning designation category entitled "Flexible Zoning Employment Center" (FZEC).**EXPLANATION:** The proposed zoning text amendment will create a Flexible Use Zoning Employment District (FZEC) Zoning Designation. The FZEC will replace the Village's current two industrial zoning designations: the "Planned Industrial Development District" and the "Light Industrial" District.**FISCAL IMPACT:** None.**RECOMMENDATION:** Staff is recommending approval of Ordinance 2009-13 creating "Flexible Zoning Employment Center" (FZEC) zoning designation.

ORDINANCE NO. 2009-13

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, PERTAINING TO ZONING; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY AMENDING ARTICLE 6, CHAPTER 8, SECTION 6.8.4. "PLANNED INDUSTRIAL PARK DISTRICT" TO READ "FLEXIBLE USE ZONING EMPLOYMENT CENTER" AND ESTABLISHING NEW TEXT FOR 6.8.4 OF CHAPTER 8, ARTICLE 6; BY ELIMINATING ARTICLE 6, CHAPTER 2, SECTION 6.2.12. "LIGHT INDUSTRIAL DISTRICT"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY AND CONFLICTS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR PERMITTED, CONDITIONAL, AND SPECIAL PERMIT USES; PROVIDING FOR MAXIMUM DENSITY AND MINIMUM LOT SIZES; PROVIDING FOR SUPPLEMENTAL DISTRICT REGULATIONS; PROVIDING FOR MINIMUM BUILDING SETBACKS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Wellington, Florida ("Village"), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and;

WHEREAS, the Village of Wellington is adopting a zoning district known as the Flexible Use Zoning Employment Center (FZEC);

WHEREAS, in accordance with the requirements of Chapter 163, Florida Statutes, the Village Planning, Zoning and Adjustment Board, acting as the Land Development Regulation Board, has reviewed the proposed Ordinance and has determined that the proposed regulation is consistent with the Village of Wellington's Comprehensive Plan;

WHEREAS, all ordinances or parts of ordinances in conflict herewith are hereby repealed. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part to be declared invalid.

NOW THEREFORE, BE IT ORDAINED THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, that:

SECTION 1: Section 6.8.4 to Chapter 8 of Article 6 is hereby amended in its entirety and made part of the Land Development Regulations of the Village of

1 Wellington, Florida, which shall be known as the Flexible Use Zoning Employment
2 Center (FZEC) and which shall provide as follows:

3 **Section 6.8.4. Flexible Use Zoning Employment Center (FZEC)**

4 **A. Purpose and intent**

5
6 The purpose of a FZEC is to provide a zoning designation for uses which will
7 create local, family sustaining employment opportunities and offer a wide range
8 of non-noxious uses that are compatible with one another as well as adjoining
9 residential and commercial areas. FZEC districts can be located on a small site
10 and present a sustainable alternative to retail for commercially designated areas
11 while retaining office uses.

12 The FZEC should strive to contain advanced technology industries and
13 research/development uses, but should also remain open to a variety of uses
14 that meet the general criteria for the FZEC.

15 FZEC site planning emphasizes creative design that encourages internal
16 automobile trip capture by offering support retail and commercial uses.

17 The FZEC provides for flexibility of certain property development regulations
18 placement and clustering of buildings and provisions for site design intended to
19 promote enlightened and imaginative approaches to Village planning. These
20 approaches include but are not limited to:

- 21
- 22 1. The preservation of natural features, scenic areas and native vegetation;
 - 23 2. The promotion of efficient and economical employment center land use
24 districts;
 - 25 3. The encouragement of employment center linkages by process, product,
26 or service;
 - 27 4. The provision of on-site essential services for industries, employees, and
28 clients;
 - 29 5. The protection of nearby existing and future non-employment center land
30 uses and activities;
 - 31 6. The arrangement of buildings and land use intensities, as they relate to
32 surrounding land uses to minimize and mitigate negative impacts;
 - 33 7. The location of the FZEC near convenient access to transportation
34 facilities such as interstate highways, major trucking routes, shipping
35 and/or railroad lines; and,
 - 36 8. The encouragement of employment center expansion to the Village's
37 economic base through new investment.

38 Projects of this nature are of direct and indirect economic benefit to the Village in the
39 form of tax revenues, high-wage, local employment and desirable creative designs for

1 projects. As such this section is intended to minimize review time frames without
2 compromising the Village's thorough review standards.

3 **B. Applicability**
4

5 Where not specifically amended by this section, the requirements of Sec. 6.8.1.B
6 regarding Planned Development Districts, and Sec. 1.5 regarding Non-
7 conformities, shall apply to all FZEC's, whether new or existing, within The
8 Village. In cases of conflict between this section and other sections of the LDR,
9 the provisions of this section shall apply to the extent of the conflict.

10 In the areas where an approved master plan is currently in effect, the approved
11 master plan shall govern all development and redevelopment for the project.

12 **C. Previous approvals**
13

14 In a separate, future petition, the Village intends to rezone locations previously
15 approved as a Planned Industrial Park Districts (PIPD) or as Industrial Light (IL)
16 to FZEC. Such locations are subject to the public hearing process as part of the
17 rezoning and shall comply with the requirements of Sec. 1.5 regarding Non-
18 conformities, and the applicability section above.

19 In the areas rezoned to FZEC and where an approved master plan is currently in
20 effect, the approved master plan shall govern all site development regulations for
21 development and redevelopment for the project for areas such locations would
22 be governed by the approved Master Plan. Uses within these locations shall be
23 consistent with the FZEC zoning category use table.

24 **D. Application**
25

26 The applicant shall submit an overall master plan. The document shall
27 demonstrate compliance with this section, Sec. 6.8.1.regarding Planned
28 Development District Regulations, the requirements listed in the application form
29 and other requirements, as may be required by Planning and Zoning Manager to
30 process a rezoning or zoning amendment application.

31 **1. Master plan**

32 **For existing industrial areas:** An overall master plan approved by the
33 Village Council which illustrates, in a graphic, written and tabular form,
34 how the project is designed and phased. The requirements of a master
35 plan are found below and in the rezoning application form available from
36 the Planning Zoning and Building Division. Because in this case a
37 proposed FZEC involves an existing developed site, the requirements of a
38 master plan may vary.

39 **New locations:** The proposed location of a FZEC rezoning must be
40 approved by Village Council. An overall master plan shall accompany the

request for rezoning approval by Village Council.

A FZEC shall be governed by an overall master plan approved by the Village Council which illustrates, in a graphic, written and tabular form, how the FZEC is designed and phased. The requirements of a master plan are found below and in the rezoning application form available from the Planning Zoning and Building Division.

Once a proposed site has been rezoned to FZEC, and the overall master plan has been approved by the Village Council, the project shall proceed to the Development Review Committee site plan review phase.

a. **Development threshold.** The minimum area for a FZEC shall be 10 contiguous acres.

b. **Design intent.** All proposed FZEC projects shall comply with the requirements of Sec. 6.8.1.W, Design Objectives, in addition to the standards listed below, unless modified by the Planning and Zoning Division:

i. **Non-vehicular circulation system.** FZEC's shall be designed with a circulation system that provides:

(a) a continuous circulation system for pedestrian paths / sidewalks and bicycle paths / lanes shall connect all of the buildings within an FZEC.

(b) pedestrian and bicycle accessory facilities for seating, bicycle parking, etc. to encourage on-site non-vehicular circulation.

ii. **Landscaping and Open Space.** The FZEC shall provide landscape areas and open space that includes active and passive recreation areas. A minimum open space of 15 percent shall be provided.

iii. **Architectural design standards.** FZEC submittals for development order approvals, especially building permits, shall comply with the architectural design standards of Sec. 6.6.3 relating to architectural compatibility standards and are subject to Architecture Review Board (ARB) approval.

c. **Perimeter landscape areas.** A perimeter landscape area shall be provided around the entire perimeter of an FZEC of not less than 25 feet and as provided in the approved master plan. The planting requirements and type of perimeter landscape areas provided around a FZEC shall be as determined in Sec. 7.3.

1
2 **2. Overall Master Plan**

3 The overall master plan shall provide a comprehensive graphic and written
4 description of the function and development of the FZEC, including but not
5 limited to flexible property development regulations, a transportation
6 program, and street and pathway cross-sections.

7
8 **Flexible regulations.** The developer may request to deviate from certain
9 property development regulations as specifically indicated as flexible
10 regulations within Table 6.8.19, FZEC Property Development Regulations.
11 Deviation is limited to a maximum of 20%

12
13 **3. Platting**

14 At a minimum, a boundary plat is required for property zoned FZEC.
15

16 **E. Administration.**

17
18 **Conditions of approval.** The Development Review Committee and the
19 Planning, Zoning and Adjustment Board (PZAB) may recommend, and the
20 Village Council may impose conditions of approval upon the uses in a
21 FZEC due to the proposed location of a project.
22

23 **1.** Development Review Committee (DRC). Following locational approval by
24 the Village Council, the overall master plan shall be submitted for review
25 and certification by the DRC according to Art. 5, Development Review
26 Procedures and Sec. 6.8.1.O, Action by DRC.

27 **2.** Conditions of approval. The Development Review Committee and the
28 Planning, Zoning Manager may impose conditions of approval upon the
29 development order according to Sec. 6.8.1.N.3 regarding Conditions.

30 **3.** Phasing controls and platting. Each FZEC shall be subject to the time
31 limitation and review requirements of Sec. 5.9 regarding Compliance with
32 time limitations and Sec. 6.8.1.T regarding Phasing Controls and Platting)
33 and shall proceed in a reasonably continuous and timely manner.
34

35 **F. Uses.**

36 **1.** Planned Development District Use Regulations Schedule, Table 6.8-2
37 indicates the permitted, conditional and prohibited uses within any FZEC.
38 Unless otherwise restricted by conditions included in the development

- 1 order and the requirements of this section, uses found in Table 6.8-2 are
- 2 permitted by right.
- 3 2. Uses requiring DRC approval within Table 6.8-2, are indicated by a "D"
- 4 and must be approved by the DRC prior to permitting.
- 5 3. For uses not specifically permitted by the FZEC Use Table 6.8-2, a final
- 6 determination of a permitted use shall be made by the Planning and
- 7 Zoning Manager.
- 8 4. Support services such as take-out restaurants, cafés, coffee shops,
- 9 sundry shops and banks/financial institutions shall be permitted as limited
- 10 support uses intended for the employees within the FZEC. If not
- 11 specifically permitted by the FZEC Use Table 6.8-2, final determination of
- 12 uses permitted shall be made by the Planning and Zoning Manager.
- 13 5. The FZEC designation is intended for existing as well as new
- 14 developments, and therefore it is possible that in addition to uses
- 15 permitted within, a small number of non-conforming uses may occur. Such
- 16 uses would be permitted to remain in a manner consistent with the
- 17 approved Master Plan for the location, or if not addressed by the approved
- 18 Master Plan, by the Village's standard for non-conforming uses in Article 1
- 19 Chapter 6 of the LDR.

20

21 **G. Property Development Regulations.**

- 22 1. The FZEC is compatible with the following land use designations:
- 23
- 24 a. Medical Commercial
- 25 b. Mixed Use
- 26 c. Industrial
- 27 d. Community Commercial
- 28 2. The property development regulations within a FZEC shall be as indicated
- 29 in Table 6.8.19, unless otherwise specifically provided in the approved
- 30 overall master plan or in the FZEC development order.
- 31
- 32
- 33
- 34
- 35
- 36
- 37

Table 6.8.19

FZEC PROPERTY DEVELOPMENT REGULATIONS

Development Standard	Requirements
Minimum Parcel Size	10 acres
None	No minimum lot size
Maximum Building Height	35 feet ¹
Maximum Floor Area Ratio	1.0
Maximum Impervious Surface	75%
Maximum Building Coverage	50%
Minimum Open Space	15%
Development Setbacks ²	Minimum Setback
Front	30 feet
Side (interior) ³	25 feet
Side (street)	30 feet
Rear ⁴	25 feet (Non-residential) 30 feet (Residential)
<p>Notes.</p> <p>¹ The building setbacks indicated are based on a maximum building height of 35 feet. All structures exceeding 35 feet in height shall provide an additional setback and separation of one horizontal foot for each one vertical foot of building exceeding 35 feet in height with a maximum height of 72 feet (Policy 1.3.9 of the Land Use Element of the Comprehensive Plan allows employment centers located within the State Road 7 Corridor that employ 100 or more people in a predominately technical or professional occupation to be a maximum height of 72 feet).</p> <p>² The setbacks shall be measured from the perimeter property line.</p> <p>³ Indicates that the property development regulation is flexible and may be modified by complying with Sec. 6.8.2.D.2. of this code.</p> <p>⁴ Indicates the building setback if the lot abuts a property that is zoned either residential or non-residential.</p>	

- 1 **1. Architectural Design.** Developments with a cumulative square footage of
2 15, 000 square feet or greater are subject to the requirements of the Village's
3 "Big Box" Ordinance as provided in Section 6.5.19.4.I of the LDR and are
4 subject to Property Development Regulations as found in Table 6.8.19.
5 Developments with a cumulative square footage of less than 15,000 square
6 feet are subject to requirements of Sec. 6.8.1.W of the LDR regarding Design
7 Objectives and are subject to Property Development Regulations as found in
8 Table 6.8.19, unless provided otherwise in this ordinance.
- 9 Locations constructed prior to the adoption of the FZEC zoning district with an
10 approved Master Plan, shall be vested. The Master Plan and shall be
11 considered a conforming improvement. Locations rezoned to a FZEC
12 designation shall comply with the requirements of Sec. 1.5 of the LDR's
13 regarding Non-conformities.
- 14 **2. Environmental Design.** The use of sustainable building techniques shall be
15 incorporated in a FZEC development. The design shall conserve energy,
16 minimize water usage, recycle wastes and promote environmental
17 sustainability within the Village.
- 18 **3. Sign requirements.** FZEC's shall comply with Sec. 7.14, relating to sign
19 regulations and the sign requirements of this section. A Master Sign Plan
20 shall be approved by the ARB.
- 21 **4. Parking requirements.** Any and all FZEC development, excluding locations
22 with a previously approved Master Plan, shall at a minimum comply with Sec.
23 7.2 of the Village's Land Development Regulations, relating to off-street
24 parking and in addition shall comply with the parking and loading
25 requirements of this section. In cases of conflict between this section and
26 other sections of the Land Development Regulations, the provisions of this
27 section shall apply to the extent of the conflict.
- 28 **a. Visitor and employee parking.** Visitor parking shall be located the
29 shortest walking distance to the primary public entrance of buildings.
30 Designated parking area shall be provided for all employees.
- 31 **b. Space dimensions.** All FZEC parking spaces shall be a minimum
32 width of 9.0 feet minimum length of 18.5 feet with a 26' back-up. All
33 garage parking spaces within a FZEC shall be a minimum width of 8.5
34 feet and a minimum length of 18.5 feet. The parking spaces
35 constructed or approved prior to the adoption of the FZEC zoning
36 district shall be vested, be a part of the Master Plan and shall be
37 considered a conforming improvement.
- 38 **5. Road improvements.** The Village Council may require a FZEC development
39 to provide certain road improvements within the road right-of-way, in addition
40 to the land development improvements required for the subdivision or platting
41 of land. These conditional improvements are intended to forward certain

1 goals of the Comprehensive Plan such as: assuring the public health, safety
2 and welfare; facilitating non-vehicular circulation; implementing the linked
3 Open Space, Scenic Corridor and other applicable Village programs; and
4 improving the neighborhood aesthetics. These conditional road improvements
5 may include, but are not limited to street lighting, median landscaping, street
6 trees, underground utilities and bike lanes.

7 **6. Public / Open space.** Locations not governed by LDR Section 6.5.19.4.I, the
8 Village's Big Box Ordinance, shall provide open space as required in Table
9 6.8.19. The space shall be designed as landscaped areas with places for
10 informal gathering and seating areas. The design of open spaces shall
11 incorporate at least three of the following:

- 12 (a) Architectural sculptures
- 13 (b) Fountain structures
- 14 (c) Tables and benches / seating areas with shade
- 15 (d) Gazebos

16 **6. Landscape requirements.** All FZEC developments shall be landscaped
17 according to Sec. 7.3, regarding Landscaping and Buffering, the requirements
18 of this section and the master plan. The use of an Alternative Landscape
19 Plan (ALP) is encouraged to provide additional perimeter landscaping and
20 buffering and to reduce the amount of interior landscaping.

21
22
23 **SECTION 2:** Table 6.8-2 Permitted Use Table of the Land Development
24 Regulations (LDR) of the Village of Wellington, is hereby amended to include a column
25 associated with the Flexible Use Zoning Employment Center (FZEC) establishing
26 permitted, prohibited, restricted and special permitted uses as listed in Exhibit "A."

27
28 The existing uses for the PUD, TND, MXP, MUPD and MCPD districts remain
29 unchanged by this ordinance.
30

31
32 **SECTION 3:** Section 6.2.12 (Light Industrial District) of the LDR is hereby
33 amended to read "IL zoning designation replaced in its entirety by Section 6.8.4 to
34 Chapter 8 of Article 6, the Flexible Use Zoning Employment Center (FZEC) zoning
35 designation."
36

37 **SECTION 4:** The Light Industrial District category "IL" is hereby removed
38 from Table 6.4-1 of the LDR.
39

40
41 **SECTION 5:** The following notes are hereby added to Section 6.4.4. of
42 the LDR:
43

- 1 (a) Note 19.1 - **Bio Informatics:** Refers to *the collection, classification,*
2 *storage, and analysis of biochemical and biological information using*
3 *computers especially as applied to molecular genetics and genomics.*
4
- 5 (b) Note 19.2 - **Bio Science, Light:** *Operations at this level includes uses*
6 *that cluster for potential collaborative business ventures. These*
7 *include, but are not limited to biology and chemistry labs, engineering*
8 *laboratories, animal facilities, engineering laboratories, development*
9 *laboratories, support labs, computational research and bioinformatics*
10 *labs that require only small amounts of trucking or noise producing*
11 *outdoor support areas. Facilities that contain “wet labs”, defined as*
12 *laboratories handling biological materials, can often fit into this*
13 *category, if such uses have low biohazard levels.*
14
- 15 (c) Note 49.1 - **Flex Space:** Refers to a specified mix of office space with
16 balance of space for manufacturing, warehouse, storage, etc., use.
17

18 **SECTION 6:** Should any section, paragraph, sentence, clause, or phrase
19 of this Ordinance conflict with any section, paragraph, clause or phrase of any prior
20 Village Ordinance, Resolution, or Municipal Code provision, then in that event the
21 provisions of this Ordinance shall prevail to the extent of such conflict.
22

23 **SECTION 7:** All ordinances or parts of ordinances in conflict herewith are
24 hereby repealed. Should any section or provision of this Ordinance or any portion
25 thereof, any paragraph, sentence or word is declared by a court of competent
26 jurisdiction to be invalid, such decision shall not affect the validity of the remainder
27 hereof as a whole or any part to be declared invalid.
28

29 **SECTION 8:** The provisions of this Ordinance shall become effective
30 immediately upon adoption.
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PASSED this ____day of June 2009, upon first reading.

PASSED AND ADOPTED this _____ day of _____ 2009, on second and final reading.

VILLAGE OF WELLINGTON

	<i>FOR</i>	<i>AGAINST</i>
BY: _____ Darell Bowen, Mayor	_____	_____
_____ Dr. Carmine A. Priore, Vice Mayor	_____	_____
_____ Lizbeth Benacquisto, Councilwoman	_____	_____
_____ Matt Willhite, Councilman	_____	_____
_____ Howard K. Coates, Jr., Councilman	_____	_____

ATTEST:

BY: _____
Awilda Rodriguez, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Jeffrey S. Kurtz, Esq., Village Attorney

1
2
3**Exhibit "A"**
Use Table

TABLE 6.8-2 PLANNED DEVELOPMENT ZONING DISTRICTS -- USE REGULATIONS SCHEDULE																		
Blank = Not Permitted ●●●●●A = Accessory Use Only●●●●●C = Conditional Use●●●●● D = Development Review Committee●●●●●P = Permitted Use●●●●●S = Special Permit																		
Use Type	PUD					MCPD	MXPD				MUPD						FLEX	Notes (Sec. 6.4.4)
	Use Zone					Use Zone	Land Use Category				Land Use Category						Flex Zone	
	C R	O S & R E C	R E S	C I V / P	C O M	M C	N C	O C	C C	M U	N C	O C	C C	C R	I N D	F L E X Z O N E		
Accessory Dwelling																	1	
Agriculture, bona fide																	6	
Agricultural food processing																		
Agricultural related manufacturing, light																		
Agricultural research/development																P	3	
Agricultural sales & service																P	4	
Agricultural stand																	106	
Agricultural transshipment																P	5	
Air curtain incinerator, permanent																	7	
Air curtain incinerator, temporary																S	8	
Air stripper, remedial																		
Airplane landing strip, accessory																	10	
Airport																	10	
Amusements, temporary or special events																S	12	
Arena, auditorium or stadium																	13	
Asphalt or concrete plant																P		
Assembly, nonprofit institutional																P	15	
Assembly, nonprofit membership																P	15	
Auction, enclosed																	16	
Auction, outdoor																S	16	
Automotive paint or body shop																P	17	
Automotive service station																P	18	
Aviculture																	19	
Bed and Breakfast																	20	
Bioinformatics																P	19.1	
Bioscience, light																P	19.2	
Broadcasting studio																P		
Building supplies, retail																P		
Building supplies, wholesale																P		
Campground																	21	

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	C R	O S & R E C	R E S	C I V / P	C O M	M C	N C	O C	C C	M U	N C	O C	C C	C R	I N D	F / N / E / C		
Car wash and auto detailing																P	23	
Catering service																P		
Cemetery or mausoleum																	24	
Chipping and mulching																	25	
Church or place of worship																P	26	
College or university																C		
Communication panels, antennas, commercial																P		
Communication tower, commercial																P	27	
Community vegetable garden																	28	
Composting facility																P	29	
Congregate living facility, Type 1																	30	
Congregate living facility, Type 2																	30	
Congregate living facility, Type 3																	30	
Contractor's storage yard																P	31	
Convenience store																A	32	
Convenience store with gas sales																	33	
Data Information processing																P		
Day Camp																		
Day care center, general																P	34	
Day care center, limited																P	34	
Day labor employment service																C	35	
Dispatching office																P	36	
Dog day-care																P		
Electrical power facility																	38	
Entertainment, Adult																S	2	
Entertainment, Indoor																C	39	
Entertainment, Outdoor																	40	
Equestrian arena, commercial																	41	
Estate kitchen																	42	
Excavation, Agricultural																	43	
Excavation, type 1A																	43	
Excavation, type 1B																	43	
Excavation, type II																	43	

TABLE 6.8-2 PLANNED DEVELOPMENT ZONING DISTRICTS -- USE REGULATIONS SCHEDULE																		
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	C R	O S & R E C	R E S	C I V / P	C O M	M C	N C	O C	C C	M U	N C	O C	C C	C R	I N D	F / N / E / C		
Excavation, type III																		43
Excavation type IIIA																		43
Excavation type IIIB																		43
Farm Residence																		44
Farm worker quarters																		45
Farmer's Market																	P	
Ferrier																		
Financial institution																	P	46
Fitness center																	P	47
Flea market, enclosed																	P	48
Flea market, open																		49
Flex space																	D	49.1
Freestanding kiosk																	P	
Fruit and vegetable market																		50
Funeral home or crematory																		51
Garage sale																		51
Gas and fuel, wholesale																	P	
Golf course																		53
Government services																	P	54
Grain milling or processing																	P	
Green market																	P	
Grooms quarters																		55
Groves/row crops																		56
Guest cottage																		57
Gun club, enclosed																	P	58
Gun range, open																		58
Gun range, private																	P	59
Heavy industry																	P	
Helipad or helipad accessory																	P	11
Home Occupation																		60
Hospital or medical center																	P	62
Hotel, motel, boarding & rooming house																	C	61
Incinerator																	C	97
Kennel, commercial																	P	63
Kennel, private																		64
Laboratory, industrial research, testing and experimental uses																	P	
Landscape installation service																	P	65

TABLE 6.8-2 PLANNED DEVELOPMENT ZONING DISTRICTS -- USE REGULATIONS SCHEDULE																	
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	C R	O S & R E C	R E S	C I V / P	C O M	M C	N C	O C	C C	M U	N C	O C	C C	C R	I N D	F / Z / E / C	
Landscape maintenance service																P	65
Laundry services																P	66
Livestock raising																	67
Lounge, cocktail																	68
Machine or welding shop																P	69
Manufacturing and processing																P	
Marine facility																	70
Medical office or dental clinic																P	71
Medical or dental laboratory																P	
Migrant farm laborer quarters																	7
Mobile home dwelling																	73
Monument sales, retail																	
Motion picture production studio																P	74
Multifamily dwelling																C	75
Newsstand or gift shop																A	76
Nursery, retail																	77
Nursery, wholesale																	78
Nursing or convalescent facility																	79
Office, business or professional																P	80
Packing plant																	81
Park, passive																P	82
Park, public																P	83
Parking garage, commercial																P	84
Parking lot, commercial																P	84
Personal services																A	85
Pottery shop, custom																	
Potting Soil Manufacturing																	86
Printing and copying services																P	
Recycling center																P	
Recycling collection station																P	87
Recycling drop off bin																P	88
Recycling plant																	89
Repair and maintenance, general																P	90
Repair services, limited																P	91

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	Use Zone					Use Zone	Land Use Category			Land Use Category						Flex Zone	
	C R	O S & R E C	R E S	C I V / P	C O M	M C	N C	O C	C C	M U	N C	O C	C C	C R	I N D	F / N / E / C	
Restaurant, fast food																	92
Restaurant, high turnover sit-down, general																	93
Restaurant, quality																	93
Restaurant, specialty																A	94
Retail sales, automotive accessories and parts																A	95
Retail sales, general																P (limited to 1500 square feet or less)	95
Retail sales, mobile or temporary																S	96
Salvage or junk yard																P	
School, elementary or secondary																	98
Security or caretaker quarters																S	99
Self-service storage																P	100
Shade House																	101
Single-family dwelling																	102
Solid waste transfer station																P	103
Stable, commercial																	104
Stable, private																	105
Stable, equestrian type two																	104
Stable, equestrian type one																	105
Storage, indoor agricultural																	107
Storage, outdoor agricultural																	107
Theater, Indoor																	
Theater, Drive-in																	109
Towing service and storage																P	
Townhouse																C	110
Transportation facility																C	
Upholstery shop																P	
Utility, minor																S	111
Vehicle inspection center																C	
Vehicle sales and rental																C	112
Veterinary Clinic																P	114
Vocational School																	115

TABLE 6.8-2 PLANNED DEVELOPMENT ZONING DISTRICTS -- USE REGULATIONS SCHEDULE																	
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Use Type	PUD					MCPD	MXPD			MUPD						FLEX	Notes (Sec. 6.4.4)
	Use Zone					Use Zone	Land Use Category			Land Use Category						<u>Flex Zone</u>	
	C R	O S & R E C	R E S	C I V / P	C O M	M C	N C	O C	C C	M U	N C	O C	C C	C R	I N D	F Z O N E C	
Warehousing																P	116
Water or wastewater treatment plant																P	117
Wholesaling, general																P	118
Woodworking or cabinet making																P	
Zero lot line dwelling																	119
Zoo																	120



**STAFF REPORT
VILLAGE OF WELLINGTON
PLANNING & ZONING DIVISION**

I. Petition Description.

Petition: 2009 – 001 Zoning Text Amendment

Petitioner: Village of Wellington

Request: Amending the Land Development Regulations to create a Flexible Use Zoning Employment District (FZEC) Zoning Designation

II. Proposed Zoning Text Amendment

The proposed zoning text amendment will create a Flexible Use Zoning Employment District (FZEC) Zoning Designation. The FZEC will replace the Village's current two industrial zoning designations: the "Planned Industrial Development District" and the "Light Industrial" District.

III. Background

One of the eight initiatives developed by the Village's Economic Development Initiative Team (EDI) is the creation of a zoning designation category for "flex zoning". The EDI team includes representatives of the Planning and Zoning Division and this has resulted in close coordination in the design of the FZEC.

Staff has completed a proposal for a new zoning designation category. The new designation is entitled "Flexible Zoning Employment Center" (FZEC).

The Palm Beach County Light Industrial Land Use Study describes "the primary purpose of flexible industrial zoning is to permit light industrial uses that are generally compatible with one another and to adjoining residential and commercial districts. This flexible zoning designation should specifically promote the economic revitalization of underutilized industrial corridors. The district should also permit advanced technology industries with a significant amount of research and development, and commercial uses that complement light industrial uses."

Essentially, the primary purpose of flexible zoning is to permit a variety of clean uses, often involving light industrial, technological, manufacturing and research that are compatible with one another and with adjacent residential and commercial areas.

Generally speaking “light” uses are those which are not disruptive to the surrounding area.

As it is likely the “green” collar industries will play a large role in the development of a new economy and may offer a wide range of employment opportunities, flexible zoning will allow the Village to be prepared to accommodate a variety of future uses that green initiatives may require.

Employment created by flex zoning tends to be of a skilled or semi-skilled nature and normally offers higher wages/salaries that fall into the “family-sustaining” level. Employment of this nature is a primary goal of the Economic Development Team. Flex zoning also offers a practical use for areas wishing to create employment centers that can be located on a small site and that are not disruptive to surrounding areas. Additionally, flex zoning represents a sustainable alternative to retail for commercially designated areas while retaining office uses and will create local employment opportunities for residents.

Projects of this nature are of direct and indirect economic benefit to the Village in the form of tax revenues, high-wage, local employment and desirable creative designs for projects. As such this section is intended to minimize review time frames without compromising the Village’s thorough review standards.

Flex zoning also permits limited commercial uses that complement light industrial and manufacturing uses. Limited support services (child care, limited dining facilities etc) are included as part of this zoning designation.

Because of images often associated with the term, the FZEC deemphasizes use of the word **“industrial”** as it tends to conjure up images other than the light, clean uses that flex zoning generally allows. Disruptions included, but are not limited to, generation of odors, excessive noise and creation of pollutants and production that results in potentially hazardous or noxious byproducts that are often created by high intensity industrial use.

Staff is proposing:

- Once a project’s master plan is approved by Village Council, project review be limited to Development Review Committee (DRC) for proposed projects meeting criteria.
- Create site development standards that emphasize permanent opaque screening with masonry or similar walls and complementary landscaping that will screen the interior of the site.
- In cases where proposed uses are not specifically listed within the FZEC zoning description, allow the Planning and Zoning Manager will make the final determination whether or not to permit the use.

If the FZEC designation is approved, staff is proposing the rezoning of the Village’s two existing industrial parks (Wellington Commerce Park East and West) to FZEC in a future, separate action. The team has met with representatives from both existing industrial areas. They have indicated their support for the proposed change of zoning. If the FZEC is

approved, this action will occur in the near future in order to assist the two existing industrial areas. Both parks currently have high vacancy rates.

IV. Analysis

This initiative will only create the FZEC zoning designation. It is essential to recognize this petition is not location specific. With the exception of the two existing industrial parks, no locations are affected by creation of this zoning category. Through the public hearing process, the FZEC, like all zoning designations, could be requested for virtually any location meeting the criteria. Any proposal for the creation of a new FZEC area would be subject to the entire public hearing process.

The FZEC zoning designation category will be classified as a "Planned Development Districts." The Village's Land Development Regulations (LDR) state the objective of a Planned Development District is to "encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce development that is in keeping with overall land use intensity and open space objectives of this Code and the Comprehensive Plan, while departing from the strict application of the dimensional standards of traditional districts." The EDI team and Planning and Zoning Division staff believe that the Planned Development District approach will allow the most versatility and encourage the most creative designs for projects.

Locations, excluding industrial areas with a previously approved master plan, wishing to obtain a FZEC designation would be required to be a minimum size of 10 acres and would be required to be consistent with Section 6.8.1 of the LDR (Planned Development Districts).

Project Approval Element

Project Approval Elements with a previously approved master plan, wishing to obtain FZEC zoning designation:

- a) Must have a compatible land use designation. Staff is proposing the FZEC be compatible with the following land use designations:

- Medical Commercial
- Mixed Use
- Industrial
- Community Commercial

Properties requesting a FZEC zoning designation that do not possess one of the above-referenced land use categories must go through the land use amendment process.

- b) Are subject to the Villages rezoning process and must be approved by Village Council.
- c) Are subject to the Village's master plan process and must be approved by Village Council.

Once a location has been approved by the applicable public hearing, it shall be eligible for staff-level site plan review.

Current industrial zoning categories

Staff is proposing the elimination of the Village's current two zoning designations ("Planned Industrial Development District" and "Light Industrial") which allow specific industrial uses and replacing both with the new FZEC designation. The majority of the uses currently found in these zoning categories would be permitted in the FZEC, however uses determined to be noxious or otherwise undesirable would be eliminated. The FZEC designation will be based on the current PIPD zoning designation but with additional uses that meet the Village's flex zoning category criteria.

Existing locations

If the FZEC is approved, staff recommends the Village rezoning of locations previously approved as a Planned Industrial Park Districts (PIPD) or as Industrial Light (IL) to FZEC in a separate, future action. Such locations would be subject to the public hearing process as part of the rezoning and would be required comply with the requirements of Sec. 1.5, and the applicability section above. In the areas rezoned to FZEC and where an approved master plan is currently in effect, the approved master plan would govern all development and redevelopment for the location. The site development regulations for areas such locations would be governed by the approved Master Plan. Uses within these locations would be consistent with the FZEC zoning category use table.

As is the case with many rezonings of existing areas, it is possible that a small number of non-conforming uses may be created. Such uses would be permitted to remain in a manner consistent with the Village's LDR as legal non-conforming uses. Table 6.8-2 of the LDR, with the proposed uses permitted within the FZEC, has been revised with additional uses and is included as Exhibit "A" of Ordinance 2009-13. Several uses were found by staff to be inconsistent with the intent of FZEC zoning and have been eliminated from the table. There are no known businesses operating in any of the eliminated categories.

Staff believes that the proposed rezoning to FZEC for existing industrial areas is of benefit to all property owners.

Traffic concurrency

Regardless of the zoning designation, traffic concurrency may pose a challenge for any property development within the State Road 7 Corridor. Staff notes that any projects in these locations will require creative design and contain transit oriented development (TOD) features such as cross access and internal circulation as a means to increase internal trip capture. It is possible that a CRALLS designation may be part of traffic concurrency plans for any proposed project within the State Road 7 Corridor. For local streets, Traffic Performance Standards do not apply and staff can evaluate projects traffic standards on a case-by-case basis. In addition, staff is researching the potential effects of Senate Bill 360, approved by the Florida Legislature, which may affect traffic concurrency in this area.

Job creation

Because FZEC uses can be tailored as necessary to ensure compatibility with surrounding locations, it is possible existing strip malls could be remodeled and redeveloped into functional employment.

Staff believes the FZEC will provide an opportunity for professionals to be able to live and work in the Village by the creation of sustainable new employment centers that will bring new jobs into the Village, but not necessarily more residents. It is believed that the addition of flex zoning into the Village will be very beneficial towards the economic sustainability to the Village. Additionally:

- higher paying jobs are kept or created within the community;
- the tax base will be strengthened;
- businesses are generating tax revenues to support community services; and
- transportation issues are ameliorated as workers commute locally.

Because of the variety and flexibility of uses, staff believes employment that is created will be genuinely beneficial to the Village and will enhance the quality of life for residents.

V. Proposed Zoning Text Amendment

The entire text of the proposed amendment is included in Ordinance 2009-13. Additionally Table 6.8-2 of the LDR, with the proposed uses permitted within the FZEC, is included as Exhibit "A" of Ordinance 2009-13.

VI. Staff Recommendation:

Staff recommends approval of Ordinance 2009-13 creating the FZEC Zoning Designation category and eliminating Village's current two industrial zoning designations of "Planned Industrial Development District" and "Light Industrial".

VII. Public Notification/Comments:

A legal advertisement for the petition was placed in the Palm Beach Post on May 20, 2009. The notice advised the public of dates, times and locations for Planning Zoning and Adjustment Board (PZAB) and the Village Council hearing (first reading) for the proposed ordinance.

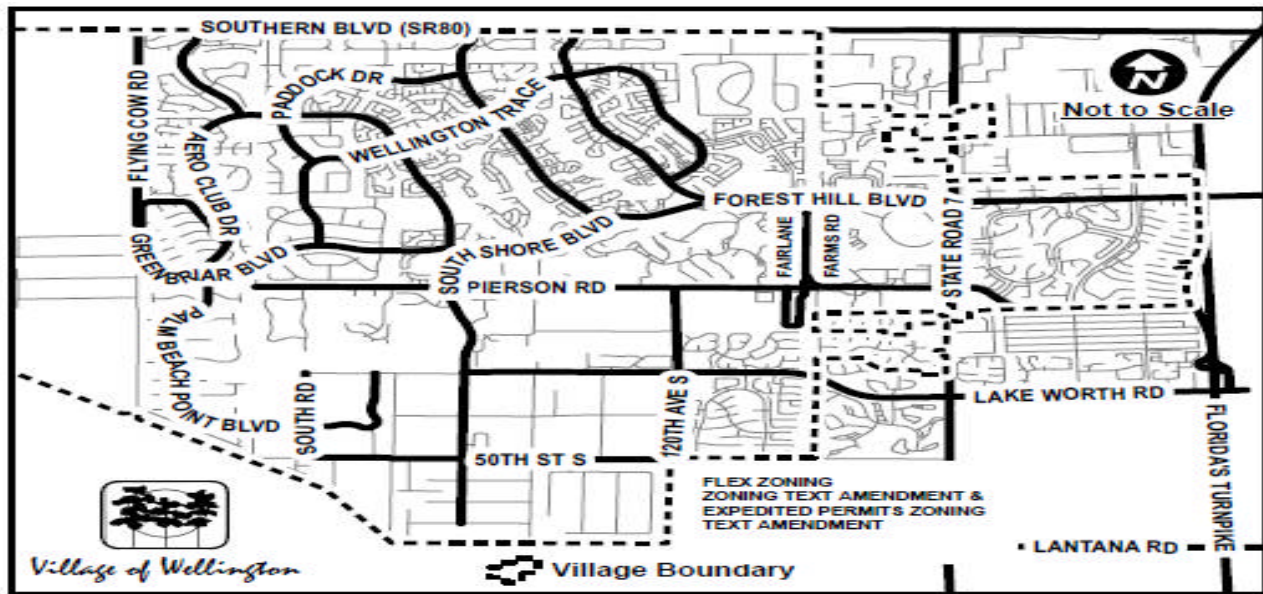
VIII. Planning Zoning and Adjustment Board:

This item was brought to a workshop with the Planning Zoning and Adjustment Board (PZAB) on May 7, 2009. Input from this workshop was incorporated into the preparation of Ordinance 2009-13.

The PZAB voted to recommend approval of Ordinance 2009-13 at the June 4, 2009 meeting.

IX. Village Council:

The first reading of this petition is scheduled to be heard at the June 23, 2009 meeting of the Village Council.



**VILLAGE OF WELLINGTON
WELLINGTON PLANNING, ZONING AND ADJUSTMENT BOARD
VILLAGE COUNCIL
NOTICE OF ZONING TEXT CHANGES**

The Village of Wellington Planning, Zoning and Adjustment Board and Village Council will hold a public hearing on the following Ordinances:

FLEX ZONING TEXT AMENDMENT

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, PERTAINING TO ZONING; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY AMENDING ARTICLE 6, CHAPTER 8, SECTION 6.8.4. "PLANNED INDUSTRIAL PARK DISTRICT" TO READ "FLEXIBLE USE ZONING EMPLOYMENT CENTER" AND ESTABLISHING NEW TEXT FOR 6.8.4 OF CHAPTER 8, ARTICLE 6; BY ELIMINATING ARTICLE 6, CHAPTER 2, SECTION 6.2.12. "LIGHT INDUSTRIAL DISTRICT"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY AND CONFLICTS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR PERMITTED, CONDITIONAL, AND SPECIAL PERMIT USES; PROVIDING FOR MAXIMUM DENSITY AND MINIMUM LOT SIZES; PROVIDING FOR SUPPLEMENTAL DISTRICT REGULATIONS; PROVIDING FOR MINIMUM BUILDING SETBACKS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

EXPEDITED PERMIT ZONING TEXT AMENDMENT

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO THE CREATION OF A TARGETED EXPEDITED ZONING PROCESS; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY CREATING ARTICLE 5, CHAPTER 1, SECTION 15, "TARGETED EXPEDITED PERMITTING PROGRAM FOR ECONOMIC DEVELOPMENT PROJECTS"; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Said public hearing will be held as follows:

PLANNING, ZONING AND ADJUSTMENT BOARD

Location: Village of Wellington Meeting Hall
14000 Greenbriar Boulevard, Wellington, Florida.

Date: June 4, 2009 at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business. The hearing of the request may be continued from time to time as may be found necessary

Notice is hereby given that members of the Wellington Village Council may attend and participate in the board proceedings.

VILLAGE COUNCIL

Location: Council Chambers
12165 W. Forest Hill Boulevard, Wellington, Florida.

Date: June 23, 2009 at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business. The hearing of the request may be continued from time to time as may be found necessary

All interested parties are invited to attend and be heard with respect to the proposed ordinance. Copies of all documents pertaining to the proposed ordinance are available in the Planning and Zoning Department at the address listed below and can be reviewed by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m.

**Planning and Zoning Department
12794 West Forest Hill Boulevard, Suite 23
Wellington, Florida, 33414
(561) 753-2430**

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington d Land Development Regulations.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this hearing, because of a disability or physical impairment, should contact the Village Manager's Office at (561) 791-4000 at least five calendar days prior to the Hearing.

Dated: May 18, 2009

Publish: The Post
May 20, 2009

Note to Publisher: Pursuant to Florida Statutes, the required advertisement shall be no less than 2 columns wide by ten inches long, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement **shall not** be placed in that portion of the newspaper where legal notices and classified advertisements appear.

7. C

**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY****AGENDA ITEM NAME:** ORDINANCE NO. 2009-12 EXPEDITED PERMITTING

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO THE CREATION OF A TARGETED EXPEDITED ZONING PROCESS; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY CREATING ARTICLE 5, CHAPTER 1, SECTION 15, "TARGETED EXPEDITED PERMITTING PROGRAM FOR ECONOMIC DEVELOPMENT PROJECTS"; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ACTION REQUESTED: Discussion ☐ Approval ☒

**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐

PUBLIC HEARING: Yes ☒ No ☐

FIRST READING ☒

SECOND READING ☐

REQUEST: The proposed zoning text amendment will create a targeted expedited permitting program (TEPP) and create Section 5.1.15 of Chapter 1, Article 5 in the Village's Land Development Regulations (LDR).

EXPLANATION: The TEPP program is intended to expedite planning, zoning and building permit reviews for projects providing value-added employment or for "green" buildings certified with a Leadership in Environmental Engineering and Design (LEED) designation of silver or higher.

FISCAL IMPACT: None.

RECOMMENDATION: Staff recommends approval of Ordinance 2009-12 creating a targeted expedited permitting program (TEPP) and adding Section 5.1.15 of Chapter 1, Article 5 in the Village's Land Development Regulations LDR.

ORDINANCE NO. 2009-12

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO THE CREATION OF A TARGETED EXPEDITED ZONING PROCESS; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY CREATING ARTICLE 5, CHAPTER 1, SECTION 15, "TARGETED EXPEDITED PERMITTING PROGRAM FOR ECONOMIC DEVELOPMENT PROJECTS"; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this Ordinance is enacted pursuant to Article VIII of the Florida Constitution, Chapter 166, Florida Statutes, the Charter of the Village of Wellington, and the police powers of the Village; and

WHEREAS, the Village of Wellington has determined that the existing Village Land Development Regulations should be amended to permit a targeted expedited permitting process upon creation of a defined Flexible Use Employment Center District; and

WHEREAS, the Village Council finds that the proposed regulations further the goals, objectives, and policies of the Comprehensive Plan, specifically Policy 1.5.4 of the Land Use Element concerning the creation of value-added employment; and

WHEREAS, the Village Council has determined that it is necessary to create a new Section of the Land Development Regulation entitled "Targeted Expedited Permitting Program for Economic Development Projects" to facilitate and encourage the development of value-added employment within the Village; and

WHEREAS, the Village Council finds that the reasonable regulations contained herein are in the best interests of the residents of the Village; and

WHEREAS, in accordance with the requirements of Chapter 163, Florida Statutes, the Village Planning, Zoning and Adjustment Board, acting as the Land Development Regulation Commission, has reviewed the proposed regulations and have determined that the proposed regulations are consistent with the Village of Wellington Comprehensive Plan; and

WHEREAS, all ordinances or parts of ordinances in conflict herewith are hereby repealed. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part to be declared invalid.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, THAT:

SECTION 1. Chapter 1 of Article 5 of the Village of Wellington's Land Development Regulations is hereby amended by enacting Section 5.1.15, which shall be known as the Targeted Expedited Permitting Program for Economic Development Projects" and which shall provide as follows:

Section 5.1.15.

Targeted Expedited Permitting Program for Economic Development Projects

(a) *Purpose and intent.* The targeted expedited permitting program (TEPP) provides qualifying projects with an efficient and accelerated process to resolve issues in a timely manner with a Village representative without sacrificing any requirements established in this chapter. The TEPP program is available to qualifying companies that are expanding operations, relocating or establishing a new business within the Village so that value-added employment may be created at a faster pace. The TEPP program is also available to any building obtaining a Leadership in Environmental Engineering and Design (LEED) Silver or higher rating. The TEPP program is intended to expedite all phases of the Village's Planning, Zoning, Building Engineering and Utilities permitting process.

Projects qualifying for the TEPP program remain subject to the provisions of Ordinance 07-17 and Resolution 08-21 which implement the Village's Cost Recovery Program.

(b) *Applicability.* The following criteria shall be used to determine whether a business qualifies for the flex zoning targeted expedited permitting program:

- (1) The company must fall into suggested uses that provide for:
 - a. Laboratory, research, testing, and experimental use not involving danger of fire or explosion or any offensive noise, vibration, smoke, dust, glare, heat or other objectionable influence.
 - b. Bioinformatics or other computational, analytical, or research and development services.
 - c. Environmental/green industries.
 - d. High technology industries.
 - e. Light bioscience.
 - f. Manufacture and assembly of merchandise from previously prepared materials such as plastics, canvas, fiber, glass, leather, precious or semi precious metals or stones, and other innocuous materials.
 - g. Printing, publishing, booking, lithographing or similar uses.
 - h. Manufacture and assembly of: ceramic products and novelty or small products from previously prepared cardboard or paper or other innocuous materials.
 - i. Back office operations such as accounting, inventory, and warehouse facilities.
 - j. Any other industry cluster as deemed appropriate by the Village's Planning and Zoning Manager.
- (2) The business must be located on a site with a minimum of 10 acres.
- (3) The business must demonstrate the capability to create at least 25 new employment positions in the Village of Wellington within the first two years of creation, expansion or relocation of its operation within the Village.

(4) Positions created must be considered value-added employment based on the average wages and/or compensation paid by the employer. Value-added employment is defined when the average compensation package of positions created is at least ten percent higher than the current per capita income level in Palm Beach County as reported by the Bureau of Economic and Business Research, University of Florida.

(5) The business shall submit sufficient financial information to the Palm Beach County Business Development Board to establish solvency and status as an ongoing business prior to acceptance into the program. A letter from the Palm Beach County Business Development Board shall serve as sufficient verification of status.

(6) Notwithstanding the criteria listed herein, a business shall qualify for the targeted expedited permitting program if the project meets the criteria of this ordinance and is sanctioned by the Palm Beach County Business Development Board or other governmental entity economic development organization approved by Village Council.

(7) Buildings obtaining a Leadership in Environmental Engineering and Design (LEED) Silver or higher rating shall qualify for expedited permitting. At time of application for the Expedited Permitting program, the applicant shall provide a letter from the U.S. Green Building Coalition (USGBC) stating that the applicant has submitted the design Phase Application and listing the anticipated credit achievement for the project. LEED projects meeting these criteria are eligible for expedited permitting regardless of their compliance with items One through Six of this section.

(c) *Benefits.* Companies or businesses that have been accepted into the targeted expedited permitting program shall receive the following benefits:

- (1) The Village Manager shall designate a Village employee as the single point of contact who shall have the responsibility of assisting the applicant throughout the development application and permitting process. This individual shall be responsible for coordinating all matters relating to the review of the project by the Village and shall provide a periodic status report to the business' project manager; and
- (2) The Planning and Zoning Division shall establish the necessary steps required for project approval in a pre-application meeting, and subsequently, prepare an itemized timetable for the project's completion of the development review process. The Village and the applicant shall make a mutual commitment to provide the necessary development information in a timely manner in order to meet the established timetable; and
- (3) The project shall receive priority at every phase of the review process by Village staff. This shall include:
 - Providing a projected schedule of public hearings which demonstrates how the review process will be expedited.
 - Providing immediate responses to questions for the applicant during the review process.
 - Conducting project reviews with the applicant present in order to facilitate efficient interaction, provide feedback and to resolve issues immediately where

possible. This also will ensure applicant and staff maintain clear understanding of how issues will be addressed.

- (4) The Village's Development Review Committee shall review and provide comments relative to the project not to exceed five business days of submission of plans by the applicant provided a pre-application meeting is held with staff; and
- (5) In the case that major issues arise at any point during the development review process, a face-to-face meeting of all concerned parties will be called within three business days so that a resolution may be found in a timely and efficient manner; The Village and the applicant shall make a mutual commitment to provide development application review comments and plans or revisions thereto in a thorough and timely manner; and
- (6) Wherever possible for projects subject to the public hearing process, multiple petitions for the same projects shall be combined in order to expedite the review. An applicant may proceed through the targeted expedited permitting process for site plan and use approval through the Development Review Committee and staff review.
- (7) If approval of a rezoning or overall master plan is required, economic information regarding the project will be included in the staff report to Village Council, Planning Zoning and Adjustment Board and Architectural Review Board. Otherwise, the targeted expedited permitting program will only require Development Review Committee review and special meetings may be called, as necessary, to further expedite the review.

SECTION 2. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Village Ordinance, Resolution, or Municipal Code provision, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part to be declared invalid.

SECTION 4. The provisions of this Ordinance shall become effective immediately upon adoption.

(The remainder of this page left intentionally blank)

PASSED this ____day of June 2009, upon first reading.

PASSED AND ADOPTED this _____ day of _____ 2009, on second and final reading.

VILLAGE OF WELLINGTON

	FOR	AGAINST
BY: _____ Darell Bowen, Mayor	_____	_____
_____ Dr. Carmine A. Priore, Vice Mayor	_____	_____
_____ Lizbeth Benacquisto, Councilwoman	_____	_____
_____ Matt Willhite, Councilman	_____	_____
_____ Howard K. Coates, Jr., Councilman	_____	_____

ATTEST:

BY: _____
Awilda Rodriguez, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Jeffrey S. Kurtz, Village Attorney



**STAFF REPORT
VILLAGE OF WELLINGTON
PLANNING & ZONING DIVISION**

I. Petition Description.

Petition: 2009 – 002 Zoning Text Amendment

Petitioner: Village of Wellington

Request: Amending the Land Development Regulations to create a Targeted Expedited Permitting Program.

II. Proposed Zoning Text Amendment:

The proposed zoning text amendment will create a targeted expedited permitting program (TEPP) and create Section 5.1.15 of Chapter 1, Article 5 in the Village's Land Development Regulations (LDR).

III. Background:

The TEPP program is intended to expedite The TEPP program is intended to expedite planning, zoning and building permit reviews for projects providing value-added employment or for "green" buildings certified with a Leadership in Environmental Engineering and Design (LEED) designation of silver or higher.

The growing competition for higher wage employers has increased the need for the streamlining of development and permitting policies and procedures to keep local governments competitive in today's economic development marketplace. The presence of time-consuming permitting policies often is a negative for firms seeking a location in a area. Consequently, development reviews may be drawn out or delayed, and create difficulties for businesses and developers to whom time is money.

The Village's Economic Development Initiative Team (EDI) is recommending the adoption of an expedited permitting process for the Village. The EDI team includes representatives of the Planning and Zoning Division and representatives from other Village Divisions including Building, Engineering and Administration.

Expedited permitting has also been identified as an economic development tool for Palm Beach County local governments by both the "Industrial Lands Study" generated for the Palm

Beach County Intergovernmental Plan Amendment Review Committee (IPARC) as well as the Palm Beach County Business Development Board.

Several local municipalities are exploring expedited permitting programs and Palm Beach Gardens has moved forward with adoption of their expedited permitting ordinance.

Additionally, the adoption of the TEPP Program for economic development projects will provide a valuable marketing tool for the Village when seeking to attract an employer.

The targeted expedited permitting program (TEPP) provides qualifying projects with an efficient and accelerated process to resolve issues in a timely manner with a Village representative without sacrificing any requirements established in this chapter. The TEPP program is available to qualifying companies that are expanding operations, relocating or establishing a new business within the Village so that value-added employment may be created at a faster pace.

Staff is also proposing the TEPP program apply to any building obtaining a Leadership in Environmental Engineering and Design (LEED) Silver or higher rating. Buildings constructed to this standard are of considerably more value to the community than traditional construction and highlight Wellington's commitment to a sustainable future.

IV. Analysis:

Staff is proposing a zoning text amendment as Section 5.1.15 of Chapter 1, Article 5 in the Village's LDR that will create a targeted expedited permitting program (TEPP). The TEPP provides qualifying projects with an efficient and accelerated process to resolve development-related issues in a timely manner with a Village representative without sacrificing any requirements established in this chapter.

This proposal would apply to the Village's Planning, Zoning, Building, Engineering and Utilities review processes.

The TEPP program would be available to qualifying companies that are expanding operations, relocating or establishing a new business within the Village so that value-added employment may be created at a faster pace. The TEPP program is also available to any building obtaining a Leadership in Environmental Engineering and Design (LEED) Silver or higher rating.

The TEPP program is intended to expedite all phases of the Village's Planning, Zoning, Building, Engineering and Utilities permitting process.

Projects qualifying for the TEPP program remain subject to the provisions of Ordinance 07-17 and Resolution 08-21 which implement the Village's Cost Recovery Program.

Staff is proposing the following criteria shall be used to determine whether a business qualifies for the flex zoning targeted expedited permitting program:

- (1) The company must fall into suggested uses that provide for:
 - b. Laboratory, research, testing, and experimental use not involving danger of fire or explosion or any offensive noise, vibration, smoke, dust, glare, heat or other objectionable influence.
 - k. Bioinformatics or other computational, analytical, or research and development services.
 - l. Environmental/green industries.
 - m. High technology industries.
 - n. Light bioscience.
 - o. Manufacture and assembly of merchandise from previously prepared materials such as plastics, canvas, fiber, glass, leather, precious or semi precious metals or stones, and other innocuous materials.
 - p. Printing, publishing, booking, lithographing or similar uses.
 - q. Manufacture and assembly of: ceramic products and novelty or small products from previously prepared cardboard or paper or other innocuous materials.
 - r. Back office operations such as accounting, inventory, and warehouse facilities.
 - s. Any other industry cluster as deemed appropriate by the Village's Planning and Zoning Manager.
- (2) The business must be located on a site with a minimum of 10 acres.
- (3) The business must demonstrate the capability to create at least 25 new employment positions in the Village of Wellington within the first two years of creation, expansion or relocation of its operation within the Village.
- (4) Positions created must be considered value-added employment based on the average wages and/or compensation paid by the employer. Value-added employment is defined when the average compensation package of positions created is at least ten percent higher than the current per capita income level in Palm Beach County as reported by the Bureau of Economic and Business Research, University of Florida.
- (5) The business shall submit sufficient financial information to the Palm Beach County Business Development Board to establish solvency and status as an ongoing business prior to acceptance into the program. A letter from the Palm Beach County Business Development Board shall serve as sufficient verification of status.
- (6) Notwithstanding the criteria listed herein, a business shall qualify for the targeted expedited permitting program if the project meets the criteria of this ordinance and is sanctioned by the Palm Beach County Business Development Board or other governmental entity economic development organization approved by Village Council.
- (7) Projects with buildings proposing to obtain a Leadership in Environmental Engineering and Design (LEED) Silver or higher rating shall qualify for expedited permitting. At time of application for the Expedited Permitting program, the applicant shall provide a letter from the U.S. Green Building Coalition (USGBC) stating that the applicant has submitted the design Phase Application and listing the anticipated credit achievement for the project. LEED

projects meeting these criteria are eligible for expedited permitting regardless of their compliance with items One through Six of this section.

Staff recommends companies or businesses that have been accepted into the targeted expedited permitting program shall receive the following benefits:

- (8) The Village Manager shall designate a Village employee as the single point of contact who shall have the responsibility of assisting the applicant throughout the development application and permitting process. This individual shall be responsible for coordinating all matters relating to the review of the project by the Village and shall provide a periodic status report to the business' project manager.
- (9) The Planning and Zoning Division shall establish the necessary steps required for project approval in a pre-application meeting, and subsequently, prepare an itemized timetable for the project's completion of the development review process. The Village and the applicant shall make a mutual commitment to provide the necessary development information in a timely manner in order to meet the established timetable.
- (10) The project shall receive priority at every phase of the review process by Village staff. This shall include:
 - providing a projected schedule of public hearings which demonstrates how the review process will be expedited;
 - providing immediate responses to questions for the applicant during the review process; and
 - conducting project reviews with the applicant present in order to facilitate efficient interaction, provide feedback and to resolve issues immediately where possible. This also will ensure applicant and staff maintain clear understanding of how issues will be addressed.
- (11) The Village's Development Review Committee shall review and provide comments relative to the project not to exceed five business days of submission of plans by the applicant provided a pre-application meeting is held with staff.
- (12) In the case that major issues arise at any point during the development review process, a face-to-face meeting of all concerned parties will be called within three business days so that a resolution may be found in a timely and efficient manner; The Village and the applicant shall make a mutual commitment to provide development application review comments and plans or revisions thereto in a thorough and timely manner.
- (13) Wherever possible for projects subject to the public hearing process, multiple petitions for the same projects shall be combined in order to expedite the review. An applicant may proceed through the targeted expedited permitting process for site plan and use approval through the Development Review Committee and staff review.

- (14) If approval of a rezoning or overall master plan is required, economic information regarding the project will be included in the staff report to Village Council, Planning Zoning and Adjustment Board and Architectural Review Board. Otherwise, the targeted expedited permitting program will only require Development Review Committee review and special meetings may be called, as necessary, to further expedite the review.

Staff believes the expedited review processes is one of the simplest and most highly effective incentives that local government can offer to business. By bringing high wage employment and/or encouraging environmentally friendly development, expedited can contribute to the long-term economic viability and contributes to the sustainable development of the Village.

V. Proposed Zoning Text Amendment:

The entire text of the proposed amendment is included in Ordinance 2009-12.

VI. Staff Recommendation:

Staff recommends approval of Ordinance 2009-12 creating a targeted expedited permitting program (TEPP) and adding Section 5.1.15 of Chapter 1, Article 5 to the Village's Land Development Regulations (LDR).

VII. Public Notification/Comments:

A legal advertisement for the petition was placed in the Palm Beach Post on May 20, 2009. The notice advised the public of dates, times and locations for Planning Zoning and Adjustment Board (PZAB) and the Village Council hearing (first reading) for the proposed ordinance.

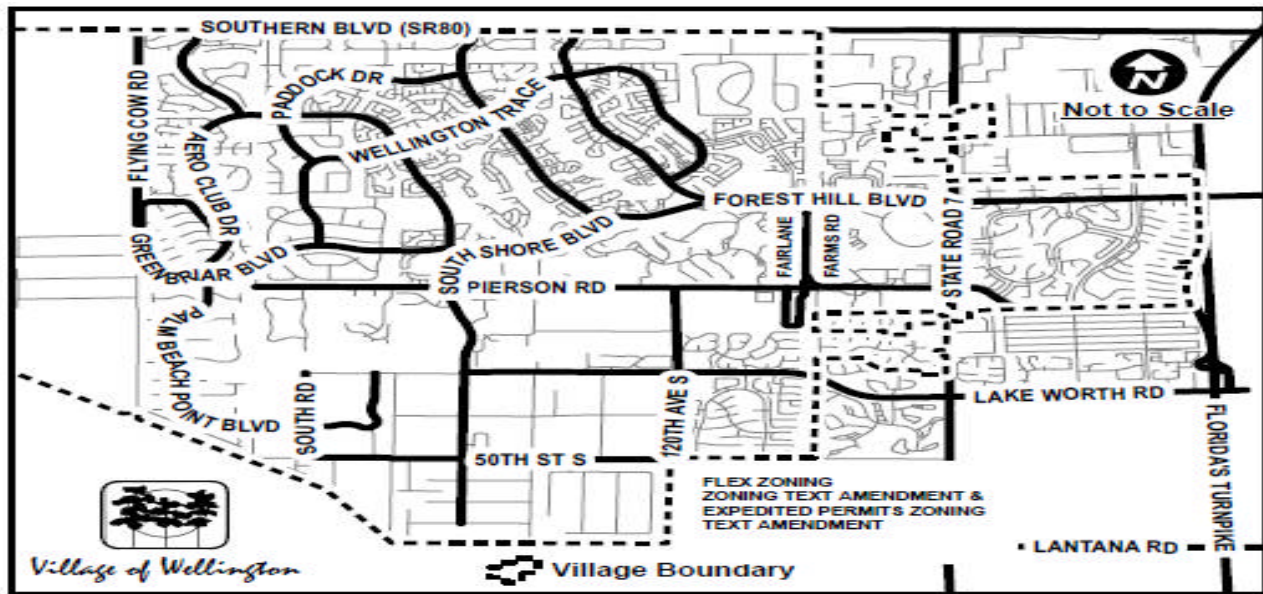
VIII. Planning Zoning and Adjustment Board:

This item was brought to a workshop with the Planning Zoning and Adjustment Board (PZAB) on May 7, 2009. Input from this workshop was incorporated into the preparation of Ordinance 2009-12.

The PZAB voted to recommend approval of Ordinance 2009-12 at the June 4, 2009 meeting.

IV. Village Council:

The first reading of this petition is scheduled to be heard at the June 23, 2009 meeting of the Village Council.



**VILLAGE OF WELLINGTON
WELLINGTON PLANNING, ZONING AND ADJUSTMENT BOARD
VILLAGE COUNCIL
NOTICE OF ZONING TEXT CHANGES**

The Village of Wellington Planning, Zoning and Adjustment Board and Village Council will hold a public hearing on the following Ordinances:

FLEX ZONING TEXT AMENDMENT

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, PERTAINING TO ZONING; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY AMENDING ARTICLE 6, CHAPTER 8, SECTION 6.8.4. "PLANNED INDUSTRIAL PARK DISTRICT" TO READ "FLEXIBLE USE ZONING EMPLOYMENT CENTER" AND ESTABLISHING NEW TEXT FOR 6.8.4 OF CHAPTER 8, ARTICLE 6; BY ELIMINATING ARTICLE 6, CHAPTER 2, SECTION 6.2.12. "LIGHT INDUSTRIAL DISTRICT"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY AND CONFLICTS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR PERMITTED, CONDITIONAL, AND SPECIAL PERMIT USES; PROVIDING FOR MAXIMUM DENSITY AND MINIMUM LOT SIZES; PROVIDING FOR SUPPLEMENTAL DISTRICT REGULATIONS; PROVIDING FOR MINIMUM BUILDING SETBACKS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

EXPEDITED PERMIT ZONING TEXT AMENDMENT

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO THE CREATION OF A TARGETED EXPEDITED ZONING PROCESS; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY CREATING ARTICLE 5, CHAPTER 1, SECTION 15, "TARGETED EXPEDITED PERMITTING PROGRAM FOR ECONOMIC DEVELOPMENT PROJECTS"; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Said public hearing will be held as follows:

PLANNING, ZONING AND ADJUSTMENT BOARD

Location: Village of Wellington Meeting Hall
14000 Greenbriar Boulevard, Wellington, Florida.

Date: June 4, 2009 at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business. The hearing of the request may be continued from time to time as may be found necessary

Notice is hereby given that members of the Wellington Village Council may attend and participate in the board proceedings.

VILLAGE COUNCIL

Location: Council Chambers
12165 W. Forest Hill Boulevard, Wellington, Florida.

Date: June 23, 2009 at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business. The hearing of the request may be continued from time to time as may be found necessary.

All interested parties are invited to attend and be heard with respect to the proposed ordinance. Copies of all documents pertaining to the proposed ordinance are available in the Planning and Zoning Department at the address listed below and can be reviewed by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m.

**Planning and Zoning Department
12794 West Forest Hill Boulevard, Suite 23
Wellington, Florida, 33414
(561) 753-2430**

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington d Land Development Regulations.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this hearing, because of a disability or physical impairment, should contact the Village Manager's Office at (561) 791-4000 at least five calendar days prior to the Hearing.

Dated: May 18, 2009

Publish: The Post
May 20, 2009

Note to Publisher: Pursuant to Florida Statutes, the required advertisement shall be no less than 2 columns wide by ten inches long, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement **shall not** be placed in that portion of the newspaper where legal notices and classified advertisements appear.

8. A

**WELLINGTON VILLAGE COUNCIL
AGENDA ITEM SUMMARY****AGENDA ITEM NAME:** Direction concerning Hiatus Property**ACTION REQUESTED:** Discussion ☒ Approval ☒**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐**PUBLIC HEARING:** Yes ☐ No ☒**FIRST READING** ☐**SECOND READING** ☐

REQUEST: The Village Manager requests direction on whether a 75 foot strip of property titled in the Acme Improvement District located adjacent to the C-51 canal along the Village's northern boundary should be retained by the District or whether inquiries should be made of South Florida Water Management District of adjacent lot owners as to whether they would be interested in having the property conveyed to them.

EXPLANATION: Along the northern boundary of the Village extending from Ousley Farms Road right of way to the Little Ranches neighborhood, there exists a 75 foot wide strip of property that is currently titled in the Acme Improvement District. This property was deeded to Acme by Corepoint Corp. as further detailed in the Village Attorney's attached memorandum. The property lies outside of the adjacent plats and is referred to as the Hiatus property. The reason for the exclusion of the property by the original developers from the plats is unclear and it currently has no beneficial use. The property is maintained in its natural state which now includes the growth of certain exotic plants including Brazilian pepper. Neither Acme nor the Village has any budgeted funds set aside to maintain or improve this area. Some neighboring property owners have complained that the vegetation negatively impacts their lots.

In staff discussions about the property, only two potential future uses have been defined, neither have any funding budgeted for the development of the uses in the foreseeable future. First the property could be used as a perimeter horse trail and secondarily or perhaps in conjunction with the horse trail a landscape buffer could be developed. At least one property owner has indicated that they would be interested in acquiring the property adjacent to their lot and putting it back on the tax rolls subject to a unity of title with the adjacent lot. They would clean the property up and be willing to pay for the costs of closing, but have not indicated a willingness to pay any additional sum of money for the property.

Staff requests direction on whether the property should be retained. If the Board is inclined to dispose of the property, staff would suggest that it first be offered to the SFWMD subject to the retention of a 35' bridle and landscape easement on the southern boundary of the property. If SFWMD declined the property, the adjacent lot owners could be approached to see how many of

them would be interested in acquiring the 75 foot portion of the Hiatus property lying between the extensions of their eastern and western lot lines, subject to the property being linked to their existing lot via a unity title and a bridle and landscape easement on the northern 35 feet of the Hiatus property.

FISCAL IMPACT: N/A

RECOMMENDATION: Village staff recommends contacting the South Florida Water Management District to determine their level of interest in the Hiatus property.

M E M O R A N D U M

TO: DARREL BOWEN, MAYOR
DR. CARMINE PRIORE, VICE MAYOR
LIZBETH BENACQUISTO, COUNCILWOMAN
MATTHEW WILLHITE, COUNCILMAN
HOWARD COATES, COUNCILMAN

FROM: JEFFREY S. KURTZ, ESQ.

RE: HIATUS PROPERTY ALONG VILLAGE'S NORTHERN BOUNDARY

DATE: JUNE 15, 2009

COPIED: PAUL SCHOFIELD
FRANCINE RAMAGLIA
JOHN BONDE
JIM BOWENS
MARTY HODGKINS
AWILDA RODRIGUEZ

There exists along the Village's Northern boundary just south of the C-51 canal a strip of property approximately 75' in width that runs from Flying Cow Road to Little Ranches. The strip of property runs outside of the platted developments to the south and the accepted boundary line of the C-51 canal. It is unknown to Village staff as to why this hiatus property exists as it does not have any recognized function nor does not provide any known benefit. The Hiatus property from Flying Cow Road east to approximately the extensions of Squire Drive in Paddock is currently titled in Corepoint Corp. the property east of the Squire Drive extension to Little Ranches is currently titled in the Acme Improvement District, by virtue of two deeds, one from Corepoint Corp dated November 13, 1990, and subject to the right of First Wellington, Inc. to the property if the District did not maintain it in accordance with First Wellington's standards. The second deed was executed prior to First Wellington's dissolution on September 5, 2000; their rights to the property were transferred to the Village of Wellington. The property currently consists of a forest and there are many various species of trees and plants on the property. Acme does not have a maintenance plan in place for the property and it is kept in its natural state. Some adjacent property owners have indicated they would be interested in maintaining and cleaning up the portion of the property that abuts theirs, if they were given title to the property.

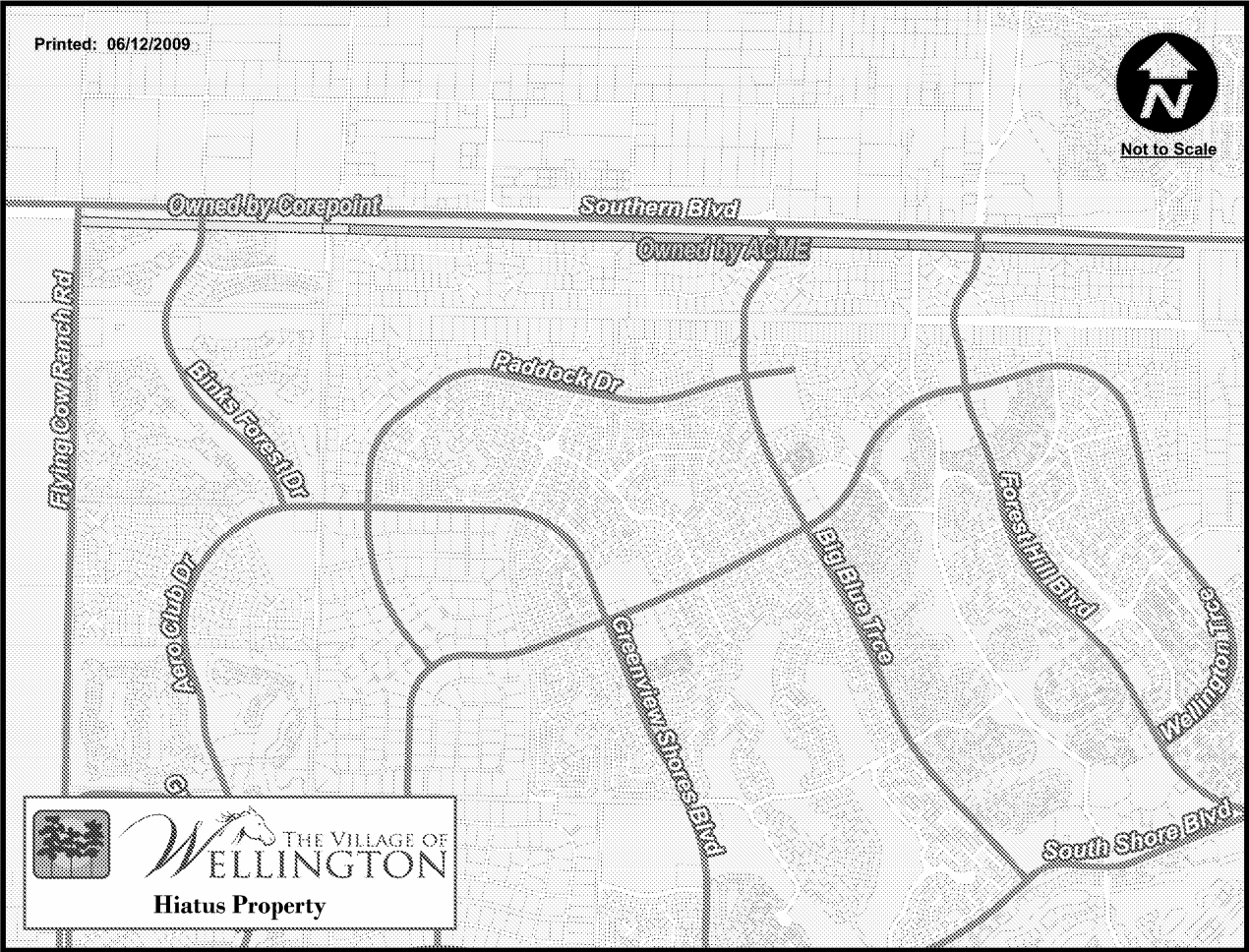
Since the Village and Acme do not have a current use for the Hiatus property titled in Acme, it is staff's suggestion that this property be offered to adjacent landowners subject to the following conditions:

1. South Florida Management District is offered the entire Hiatus property for their use, subject to the retention of 35' bridle trail consent along the southern most portion of the Hiatus property.
2. If South Florida Management District rejects the opportunity to take title to the property, adjacent landowners would be offered the property to the extent of their western and eastern property line extensions. The property would be subject to a unity of title with the adjacent lot and therefore could not be developed or sold except in conjunction with the adjacent lot. The portion of the hiatus property would be quit-claimed deed and all expenses associated with the closing would have to be bourn by the property owner. Acme would retain a bridal trail easement at the northeast 35 feet of the property.

If Council concurs in this commendation staff will initiate contact with the South Florida Management District and determine whether they have an interest in the property. Council will be informed of their response and if South Florida Management District is not interested staff would contact all adjacent landowners to see how many of them would be interested in acquiring relative portions of the Hiatus property.

JSK/cml





8. B

WELLINGTON VILLAGE COUNCIL AGENDA ITEM SUMMARY

AGENDA ITEM NAME: Selection Process for Special Magistrates

ACTION REQUESTED: Discussion ☒ Approval ☒

**BUDGET AMENDMENT
REQUIRED:** Yes ☐ No ☒ See Below ☐

PUBLIC HEARING: Yes ☐ No ☒

FIRST READING ☐

SECOND READING ☐

REQUEST: Staff seeks direction on the implementation of the proposed future selection process for Special Magistrates.

EXPLANATION: On May 27, 2009, Mr. Hodgkins sent out a memorandum outlining a proposed process for the selection of Special magistrates in the future. The proposal included keeping the same number of Magistrates (4) providing public notice of potential appointments through a variety of outlets for at least 120 days prior to the expiration of a magistrates term, established criteria applicants would be expected to meet or be given preference for, and proposed modifying the terms of the appointment.

Staff seeks direction on whether Council wishes to adopt the process as proposed. If Council elects to move forward and wishes to alter the one year terms currently in place, an ordinance will be prepared to that affect and at the time of second reading on the ordinance, a supplemental resolution establishing the policy for selection will be brought forward in accordance with Council's direction on the process.

FISCAL IMPACT: N/A.

RECOMMENDATION: Village Council to give direction on the future implementation of the proposed selection process.

*Village of Wellington***ADMINISTRATIVE TRANSMITTAL**

DATE: May 27, 2009

TO: ☒ **BOWEN**
☒ **PRIORE**
☒ **BENACQUISTO**
☒ **WILLHITE**
☒ **COATES**

DISTRIBUTED TO ALL APPLICABLE PERSONS ON: 6/1/09	
COUNCIL	MANAGER
CLERK	ATTORNEY
STAFF SR	
ADDRESSED TO ALL COUNCIL	
ADDRESSED TO	
LOG NO:	

FROM: Marty Hodgkins, Director of Planning, Zoning and Building

THRU: Paul
Paul Schofield

CC: Senior Staff
Awilda Rodriguez, Village Clerk
Jeff Kurtz, Village Attorney

RE: Future Selection Process for Special Magistrates

Based upon Council discussion of the manner for selecting Special Magistrates, the following is suggested as the basis for a draft policy for this process.

1. **Number.** Suggest retention of three local attorneys to handle the standard code enforcement cases and at least one attorney whose principal place of residence and principal place of practice is outside of Wellington. This attorney can be brought in for those cases where there may be some form of conflict for the more local attorneys, a major single code compliance issue, or when there is a need for an elevated level of expertise.
2. **Public Notice.** At least 120 days prior to April 15, 2010 and at least 120 days prior to any future expiration date of Special Magistrate appointments, the Village shall solicit letters of interest from attorneys interested in serving as a Special Magistrate. Forms of public notice could include:
 - a. *Florida Bar Journal*;
 - b. Palm Beach Post and local newspapers;
 - c. Village web site; and
 - d. Channel 18.

Letters of interest would have to be received by the Village on or before April 30, 2010 and April 30th of the year during which such letters are solicited.

3. **Criteria for Respondents.** RFQ criteria may include one or more of the following:
 - a. member of Florida Bar for at least five years;
 - b. resident of Wellington or practice located in Wellington;
 - c. experience in prosecuting, defending or adjudicating code compliance cases;
 - d. experience as a municipal attorney;
 - e. willingness to serve on a specific rotational schedule; and
 - f. willingness to accept a specific level of compensation

Future Selection Process for Special Magistrates
May 27, 2009
Page 2

4. **Terms.** Create:
 - a. terms of two or more years; and
 - b. a staggered term rotation so that the terms of not more than two Special Magistrates expire at the same time.
 5. **Selection.** Staff would review the letters of interest for compliance with the applicable criteria and submit the names of qualified applicants to Village Council for appointment during a Council meeting in May.
 6. **Adoption.** This policy shall be adopted by resolution.
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